L A W S

OF THE

STATE of NEW-YORK,

COMPRISING

THE CONSTITUTION,

AND

The ACTS of the LEGISLATURE ſince the Revolution,

FROM

The Firſt to the Twelfth Seſſion, incluſive.

PUBLISHED ACCORDING TO AN ACT OF THE LEGISLATURE, PASSED THE 15th APRIL, 1786.



IN TWO VOLUMES.

VOL. I.

Quum Leges aliæ ſuper alias accumulatæ, eas de integro retractare, et in Corpus ſanum et habile redigere, ex Uſu ſit. BACON.

Miſera Servitus eſt ubi Jus eſt vagum aut incognitum. 4 Inſt. 246.

NEW-YORK:

Printed by *Hugh Gaine*, at his Printing-Office and Book-Store, at the Bible, in Hanover-Square.

M,DCC,LXXXIX.

PREFACE.

THIS *Edition of the* LAWS of this State, *is publiſhed by Order of the Legiſlature; and the Act directing it, is printed at large among the Statutes of the Seſſion in which it was paſſed: Hence the Editors ſuppoſe it cannot be neceſſary to delineate here, the Plan they have purſued in the following Work.*

The Nature and Extent of the Collection, which comprehends the Conſtitution, and the public Statutes of this State, from the Revolution to the End of the TWELFTH *Seſſion of the Legiſlature, will, it is preſumed, ſufficiently account for the Delay of the Publication.*

There is Reaſon to believe, the Legiſlature ſuppoſed, when this Work was undertaken, that it would contain the whole Statute Law of the State: But in the Courſe of the Reviſion, they found that ſeveral of the public Acts of the late Colony, could not, with any Degree of Propriety, be re-enacted or repealed. Theſe Acts ſtill continue to form Part of the Law of the State. There are others, of general Concern, which, altho' repealed, or become obſolete by new Proviſions, muſt give the Rule relative to Things before done, under or according to their Direction. In Order, therefore, to make this Collection the more uſeful, ſuch of thoſe Acts of the late Colony as are the moſt neceſſary to be known, are added by Way of Appendix *to the firſt Volume. The Acts in the Appendix are taken from the printed Copies formerly publiſhed, and have not been compared with the Records: But it is ſuppoſed they will be found ſufficiently accurate for common Purpoſes.*

After all the Attention the Editors have been able to beſtow, a few Errors of the Preſs ſtill remain to be corrected: But they hope moſt of them are only Literal, *and that there are none which will pervert the Senſe, or miſlead the Reader.*

New-York,
November 25, 1789.

Samuel Jones,
Richard Varick.

PREFACE

THE CONSTITUTION OF THE STATE of NEW-YORK.

In Convention of the Repreſentatives of the State of NEW-YORK.

KINGSTON, 20th APRIL, 1777.

Preamble,

Reciting the Reaſons of eſtabliſhing a temporary Government by Congreſſes and Committees.

WHEREAS the many tyrannical and oppreſſive Uſurpations of the King and Parliament of *Great-Britain*, on the Rights and Liberties of the People of the *American* Colonies, had reduced them to the Neceſſity of introducing a Government by Congreſſes and Committees, as temporary Expedients, and to exiſt no longer than the Grievances of the People ſhould remain without Redreſs.

AND WHEREAS the Congreſs of the Colony of NEW-YORK, did, on the Thirty-firſt Day of *May*, now laſt paſt, reſolve as follows, *viz.*

" WHEREAS the preſent Government of this Colony, by Congreſs and Committees, was inſtituted while the former Government under the Crown of *Great-Britain*, exiſted in full Force; and was eſtabliſhed for the ſole Purpoſe of oppoſing the Uſurpation of the *Britiſh* Parliament, and was intended to expire on a Reconciliation with *Great-Britain*, which it was then apprehended would ſoon take Place, but is now conſidered as remote and uncertain.

Inconveniences attending the ſame.

" AND WHEREAS many and great Inconveniences attend the ſaid Mode of Government by Congreſs and Committees, as of Neceſſity, in many Inſtances, legiſlative, judicial and executive Powers have been veſted therein, eſpecially ſince the Diſſolution of the former Government, by the Abdication of the late Governor, and the Excluſion of this Colony from the Protection of the King of *Great-Britain*.

" AND WHEREAS the Continental Congreſs did reſolve as followeth, *to wit*,

Reſolution of the Continental Congreſs.

' WHEREAS his *Britannic* Majeſty, in Conjunction with the Lords and ' Commons of *Great-Britain*, has, by a late Act of Parliament, excluded the ' Inhabitants of theſe United Colonies from the Protection of his Crown.—And ' whereas no Anſwers whatever, to the humble Petition of the Colonies ' for Redreſs of Grievances and Reconciliation with *Great-Britain*, has been, ' or is likely to be given, but the whole Force of that Kingdom, aided ' by foreign Mercenaries, is to be exerted for the Deſtruction of the good ' People of theſe Colonies.—And whereas it appears abſolutely irreconcileable ' to Reaſon and good Conſcience, for the People of theſe Colonies, *now* to

'take the Oaths and Affirmations neceſſary for the Support of any Govern-
'ment under the Crown of *Great-Britain*; and it is neceſſary that the
'Exerciſe of every Kind of Authority under the ſaid Crown, ſhould be
'totally ſuppreſſed, and all the Powers of Government exerted under the
'Authority of the People of the Colonies, for the Preſervation of internal
'Peace, Virtue and good Order, as well as for the Defence of our Lives,
'Liberties, and Properties, againſt the hoſtile Invaſions, and cruel Depre-
'dations of our Enemies. Therefore,

Recommending the Eſtabliſhment of Governments.

'RESOLVED, That it be recommended to the reſpective Aſſemblies and
'Conventions of the United Colonies, where no Government ſufficient to
'the Exigences of their Affairs has been hitherto eſtabliſhed, to adopt ſuch
'Government as ſhall, in the Opinion of the Repreſentatives of the People,
'beſt conduce to the Happineſs and Safety of their Conſtituents in particular,
'and AMERICA in general."

Provincial Congreſs not inveſted with Power to inſtitute a new Form of Government.

"AND WHEREAS Doubts have ariſen, whether this Congreſs are inveſted with ſufficient Power and Authority to deliberate and determine on ſo important a Subject as the Neceſſity of erecting and conſtituting a new Form of Government and internal Police, to the Excluſion of all foreign Juriſdiction, Dominion and Controul whatever.—And whereas it appertains of Right ſolely to the People of this Colony to determine the ſaid Doubts: Therefore,

Recommendation to the Electors to authoriſe their Deputies or others to form a new Government.

"RESOLVED, That it be recommended to the Electors in the ſeveral Counties in this Colony, by Election in the Manner and Form preſcribed for the Election of the preſent Congreſs, either to authoriſe (in Addition to the Powers veſted in this Congreſs) their preſent Deputies, or others in the Stead of their preſent Deputies, or either of them, to take into Conſideration the Neceſſity and Propriety of inſtituting ſuch new Government as in and by the ſaid Reſolution of the Continental Congreſs is deſcribed and recommended: And if the Majority of the Counties, by their Deputies in Provincial Congreſs, ſhall be of Opinion that ſuch new Government ought to be inſtituted and eſtabliſhed, then to inſtitute and eſtabliſh ſuch a Government as they ſhall deem beſt calculated to ſecure the Rights, Liberties, and Happineſs of the good People of this Colony; and to continue in Force until a future Peace with *Great-Britain* ſhall render the ſame unneceſſary. And,

Time and Place for Meeting of the Deputies.

"RESOLVED, That the ſaid Elections in the ſeveral Counties, ought to be had on ſuch Day, and at ſuch Place or Places, as by the Committee of each County reſpectively ſhall be determined.—And it is recommended to the ſaid Committees, to fix ſuch early Days for the ſaid Elections, as that all the Deputies to be elected have ſufficient Time to repair to the City of *New-York* by the ſecond Monday in *July* next; on which Day all theſaid Deputies ought punctually to give their Attendance.

"AND WHEREAS the Object of the aforegoing Reſolutions is of the utmoſt Importance to the good People of this Colony;

"RESOLVED, That it be, and it is hereby earneſtly recommended to the Committees, Freeholders, and other Electors in the different Counties in this Colony, diligently to carry the ſame into Execution."

The Convention empowered for the Purpoſes aforeſaid.

AND WHEREAS the good People of the ſaid Colony, in Purſuance of the ſaid Reſolution, and repoſing ſpecial Truſt and Confidence in the Members of this Convention, have appointed, authoriſed and empowered them for the Purpoſes, and in the Manner, and with the Powers in and by the ſaid Reſolve ſpecified, declared and mentioned.

AND

AND WHEREAS the Delegates of the United *American* States, in general Congreſs convened, did on the fourth Day of *July* now laſt paſt, ſolemnly publiſh and declare, in the Words following, *viz.*

Declaration of Independence by the Continental Congreſs.

" WHEN in the Courſe of human Events, it becomes neceſſary for one People to diſſolve the political Bands which have connected them with another, and to aſſume among the Powers of the Earth, the ſeparate and equal Station to which the Laws of Nature and of Nature's God intitle them, a decent Reſpect to the Opinions of Mankind requires that they ſhould declare the Cauſes which impel them to the Separation.

Reaſons for inſtituting and altering Governments.

" WE hold theſe Truths to be ſelf-evident, that all Men are created equal; that they are endowed by their Creator with certain unalienable Rights; that among theſe are, Life, Liberty and the Purſuit of Happineſs.—That to ſecure theſe Rights, Governments are inſtituted among Men, deriving their juſt Powers from the Conſent of the Governed, that whenever any Form of Government becomes deſtructive of theſe Ends, it is the Right of the People to alter or to aboliſh it, and to inſtitute new Government, laying its Foundation on ſuch Principles, and organizing its Powers in ſuch Form, as to them ſhall ſeem moſt likely to effect their Safety and Happineſs. Prudence indeed will dictate, that Governments long eſtabliſhed ſhould not be changed for light and tranſient Cauſes, and accordingly all Experience hath ſhewn, that Mankind are more diſpoſed to ſuffer, while Evils are ſufferable, than to right themſelves by aboliſhing the Forms to which they are accuſtomed. But when a long Train of Abuſes and Uſurpations purſuing invariably the ſame Object, evinces a Deſign to reduce them under abſolute Deſpotiſm, it is their Right, it is their Duty, to throw off ſuch Government, and to provide new Guards for their future Security. Such has been the patient Sufferance of theſe Colonies; and ſuch is now the Neceſſity which conſtrains them to alter their former Syſtem of Government. The Hiſtory of the preſent King of *Great-Britain* is a Hiſtory of repeated Injuries and Uſurpations, all having in direct Object, the Eſtabliſhment of an abſolute Tyranny over theſe States. To prove this, let Facts be ſubmitted to a candid World.

Tyrannic Proceedings of the King of *Great-Britain*.

" HE has refuſed his Aſſent to Laws, the moſt wholeſome and neceſſary for the public Good.

" HE has forbidden his Governors to paſs Laws of immediate and preſſing Importance, unleſs ſuſpended in their Operation till his Aſſent ſhould be obtained; and when ſo ſuſpended, he has utterly neglected to attend to them.

" HE has refuſed to paſs other Laws for the Accommodation of large Diſtricts of People, unleſs thoſe People would relinquiſh the Right of Repreſentation in the Legiſlature; a Right ineſtimable to them, and formidable to Tyrants only.

" HE has called together Legiſlative Bodies at Places unuſual, uncomfortable, and diſtant from the Depoſitory of their public Records, for the ſole Purpoſe of fatiguing them into Compliance with his Meaſures.

" HE has diſſolved Repreſentative Houſes repeatedly, for oppoſing with manly Firmneſs his Invaſions on the Rights of the People.

" HE has refuſed for a long Time, after ſuch Diſſolutions, to cauſe others to be elected; whereby the legiſlative Powers, incapable of Annihilation, have returned to the People at large, for their Exerciſe; the State remaining in the mean Time expoſed to all the Dangers of Invaſion from without, and Convulſions within.

HE

" He has endeavoured to prevent the Population of theſe States; for that Purpoſe obſtructing the Laws for Naturalization of Foreigners; refuſing to paſs others to encourage their Migrations hither, and raiſing the Conditions of new Appropriations of Lands.

" He has obſtructed the Adminiſtration of Juſtice, by refuſing his Aſſent to Laws for eſtabliſhing Judiciary Powers.

" He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.

" He has erected a Multitude of new Offices, and ſent hither Swarms of Officers to harraſs our People, and eat out their Subſtance.

" He has kept among us, in Times of Peace, ſtanding Armies, without the Conſent of our Legiſlatures.

" He has affected to render the Military independent of, and ſuperior to, the Civil Power.

" He has combined with others to ſubject us to a Juriſdiction foreign to our Conſtitution, and unacknowledged by our Laws; giving his Aſſent to their Acts of pretended Legiſlation,

" For quartering large Bodies of Troops among us:

" For protecting them, by a mock Trial, from Puniſhment for any Murders which they ſhould commit on the Inhabitants of theſe States:

" For cutting off our Trade with all Parts of the World:

" For impoſing Taxes on us without our Conſent:

" For depriving us in many Caſes, of the Benefits of Trial by Jury:

" For tranſporting us beyond Seas to be tried for pretended Offences:

" For aboliſhing the free Syſtem of *Engliſh* Laws in a neighbouring Province, eſtabliſhing therein an Arbitrary Government, and enlarging its Boundaries, ſo as to render it at once an Example and fit Inſtrument for introducing the ſame abſolute Rule into theſe Colonies:

" For taking away our Charters, aboliſhing our moſt valuable Laws, and altering fundamentally the Forms of our Governments:

" For ſuſpending our own Legiſlatures, and declaring themſelves inveſted with Power to legiſlate for us in all Caſes whatſoever.

" He has abdicated Government here, by declaring us out of his Protection, and waging War againſt us.

" He has plundered our Seas, ravaged our Coaſts, burnt our Towns, and deſtroyed the Lives of our People.

" He is, at this Time, tranſporting large Armies of Foreign Mercenaries to complete the Works of Death, Deſolation and Tyranny, already begun with Circumſtances of Cruelty and Perfidy, ſcarcely paralleled in the moſt barbarous Ages, and totally unworthy the Head of a civilized Nation.

" He has conſtrained our fellow Citizens, taken Captive on the high Seas, to bear Arms againſt their Country, to become the Executioners of their Friends and Brethren, or to fall themſelves by their Hands.

" He has excited domeſtic Inſurrections amongſt us, and has endeavoured to bring on the Inhabitants of our Frontiers, the mercileſs Indian Savages, whoſe known Rule of Warfare is an undiſtinguiſhed Deſtruction of all Ages, Sexes and Conditions.

" In

" In every Stage of theſe Oppreſſions, we have petitioned for Redreſs in the moſt humble Terms: Our repeated Petitions have been anſwered only by repeated Injury. A Prince whoſe Character is thus marked by every Act which may define a Tyrant, is unfit to be the Ruler of a free People.

" Nor have we been wanting in Attentions to our *Britiſh* Brethren. We have warned them from Time to Time of Attempts by their Legiſlature to extend an unwarrantable Juriſdiction over us. We have reminded them of the Circumſtances of our Emigration and Settlement here. We have appealed to their native Juſtice and Magnanimity, and we have conjured them by the Ties of our common Kindred, to diſavow theſe Uſurpations, which would inevitably interrupt our Connection and Correſpondence. They too have been deaf to the Voice of Juſtice and of Conſanguinity. We muſt therefore acquieſce in the Neceſſity which denounces our Separation, and hold them as we hold the Reſt of Mankind, Enemies in War; in Peace, Friends.

" We, therefore, the Repreſentatives of the UNITED STATES OF AMERICA, in General Congress Assembled, appealing to the Supreme Judge of the World, for the Rectitude of our Intentions, do, in the Name, and by the Authority of the good People of theſe Colonies, ſolemnly publiſh and declare, That theſe United Colonies are, and of Right ought to be, Free and Independent States; that they are abſolved from all Allegiance to the *Britiſh* Crown, and that all political Connection between them and the State of *Great-Britain*, is, and ought to be totally diſſolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, eſtabliſh Commerce, and to do all other Acts and Things which Independent States may of Right do. And for the Support of this Declaration, with a firm Reliance on the Protection of Divine Providence, we mutually pledge to each other, our Lives, our Fortunes, and our ſacred Honour."

The United Colonies declared free and independent States.

AND WHEREAS this Convention having taken this Declaration into their moſt ſerious Conſideration, did, on the *ninth* Day of *July* laſt paſt, unanimouſly reſolve, That the Reaſons aſſigned by the Continental Congreſs, for declaring the United Colonies free and independent States, are cogent and concluſive: And that while we lament the cruel Neceſſity which has rendered that Meaſure unavoidable, we approve the ſame, and will, at the Riſque of our Lives and Fortunes, join with the other Colonies in ſupporting it.

Declaration of Independence approved by the Convention of the State of *New-York*.

By Virtue of which ſeveral Acts, Declarations and Proceedings, mentioned and contained in the afore-recited Reſolves or Reſolutions of the General Congreſs of the United *American* States, and of the Congreſſes or Conventions of this State, all Power whatever therein hath reverted to the People thereof, and this Convention hath by their Suffrages and free Choice been appointed, and among other Things authoriſed to inſtitute and eſtabliſh ſuch a Government, as they ſhall deem beſt calculated to ſecure the Rights and Liberties of the good People of this State, moſt conducive of the Happineſs and Safety of their Conſtituents in particular, and of *America* in general.

The Convention authoriſed to eſtabliſh a Government.

I. This Convention, therefore, in the Name and by the Authority of the good People of this State, doth ORDAIN, DETERMINE AND DECLARE, That no Authority ſhall, on any Pretence whatever, be exerciſed over the People or Members of this State, but ſuch as ſhall be derived from and granted by them.

No Authority to be exerciſed over the People, but ſuch as ſhall be derived from them.

II. This Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That the Supreme Legiſlative Power within this State, ſhall be veſted in two ſeparate and diſtinct Bodies of Men; the one to be called, *The Aſſembly of the State of New-York;* the other to be called, *The Senate of the State of New-York;* who together ſhall form the Legiſlature, and meet once at leaſt in every Year for the Diſpatch of Buſineſs.

Legiſlative Power veſted in an Aſſembly and Senate.

Council of Revifion.

III. AND WHEREAS Laws inconſiſtent with the Spirit of this Conſtitution, or with the public Good, may be haſtily and unadviſedly paſſed; BE IT ORDAINED, That the Governor for the Time being, the Chancellor and the Judges of the Supreme Court, or any two of them, together with the Governor, ſhall be, and hereby are, conſtituted a Council to reviſe all Bills about to be paſſed into Laws by the Legiſlature. And for that Purpoſe ſhall aſſemble themſelves, from Time to Time, when the Legiſlature ſhall be convened; for which, nevertheleſs, they ſhall not receive any Salary or Conſideration under any Pretence whatever. And that all Bills which have paſſed the Senate and Aſſembly ſhall, before they become Laws, be preſented to the ſaid Council for their Reviſal and Conſideration; and if upon ſuch Their Duty. Reviſion and Conſideration, it ſhould appear improper to the ſaid Council, or a Majority of them, that the ſaid Bill ſhould become a Law of this State, that they return the ſame, together with their Objections thereto, in Writing, to the Senate, or Houſe of Aſſembly, in whichſoever the ſame ſhall have originated, who ſhall enter the Objections ſent down by the Council, at large, in their Minutes, and proceed to re-conſider the ſaid Bill. But if after ſuch Re-conſideration, two Thirds of the ſaid Senate, or Houſe of Aſſembly, ſhall, notwithſtanding the ſaid Objections, agree to paſs the ſame, it ſhall, together with the Objections, be ſent to the other Branch of the Legiſlature, where it ſhall alſo be re-conſidered, and if approved by two Thirds of the Members preſent, ſhall be a Law.

AND in Order to prevent any unneceſſary Delays,

Bills to become Laws if not returned in ten Days.

BE IT FURTHER ORDAINED, That if any Bill ſhall not be returned by the Council, within Ten Days after it ſhall have been preſented, the ſame ſhall be a Law, unleſs the Legiſlature ſhall, by their Adjournment, render a Return of the ſaid Bill within Ten Days, impracticable; in which Caſe the Bill ſhall be returned on the firſt Day of the Meeting of the Legiſlature, after the Expiration of the ſaid Ten Days.

The Aſſembly to conſiſt of 70 Members, annually choſen.

IV. THAT the Aſſembly ſhall conſiſt of at leaſt *Seventy Members*, to be annually choſen in the ſeveral Counties, in the Proportions following, *viz.*

The Members to be choſen in each County.

For the City and County of *New-York*,	Nine.
The City and County of * *Albany*,	Ten.
The County of *Dutcheſs*,	Seven.
The County of *Weſtcheſter*,	Six.
The County of *Ulſter*,	Six.
The County of *Suffolk*,	Five.
The County of *Queen's*,	Four.
The County of *Orange*,	Four.
The County of *King's*,	Two.
The County of *Richmond*,	Two.
The County of † *Tryon*,	Six.
The County of ‡ *Charlotte*,	Four.
The County of *Cumberland*,	Three.
The County of *Glouceſter*,	Two.

V. THAT

* Divided into two Counties, 9th Seſſ. Ch. 28.

† Name altered, 7th Seſſ. Ch. 17, and Part of it erected into a new County, by the Name of ONTARIO, 12th Seſſ. Ch. 11.

‡ Name altered, 7th Seſſ. Ch. 17, and Part of it erected into a new County, by the Name of CLINTON, 11th Seſſ. Ch. 63. Sec. 2.

V. THAT as ſoon after the Expiration of Seven Years, ſubſequent to the Termination of the preſent War, as may be, a Cenſus of the Electors and Inhabitants in this State be taken, under the Direction of the Legiſlature. And if on ſuch Cenſus it ſhall appear, that the Number of Repreſentatives in Aſſembly from the ſaid Counties, is not juſtly proportioned to the Number of Electors in the ſaid Counties reſpectively, that the Legiſlature do adjuſt and apportion the ſame by that Rule. And further, that once in every ſeven Years, after the taking of the ſaid firſt Cenſus, a juſt Account of the Electors reſident in each County ſhall be taken; and if it ſhall thereupon appear, that the Number of Electors in any County, ſhall have increaſed or diminiſhed one or more ſeventieth Parts of the whole Number of Electors, which on the ſaid firſt Cenſus ſhall be found in this State, the Number of Repreſentatives for ſuch County ſhall be increaſed or diminiſhed accordingly, that is to ſay, one Repreſentative for every ſeventieth Part as aforeſaid.

Cenſus to be taken.

And if it ſhall appear that the Number of Repreſentatives is not juſtly proportioned, the Legiſlature to adjuſt the ſame.

An Account to be taken once in every ſeven Years, and if the Electors in any County ſhall have increaſed or diminiſhed one or more 70th Parts the Repreſentatives for ſuch County to be increaſed or diminiſhed accordingly.

VI. AND WHEREAS an Opinion hath long prevailed among divers of the good People of this State, that voting at Elections by Ballot, would tend more to preſerve the Liberty and equal Freedom of the People, than voting *Viva Voce*. To the End therefore, that a fair Experiment be made, which of thoſe two Methods of voting is to be preferred:

Opinion of voting by Ballot.

BE IT ORDAINED, That as ſoon as may be, after the Termination of the preſent War, between the United States of *America* and *Great-Britain*, an Act, or Acts be paſſed by the Legiſlature of this State, for cauſing all Elections thereafter to be held in this State for Senators and Repreſentatives in Aſſembly, to be by Ballot, and directing the Manner in which the ſame ſhall be conducted. AND WHEREAS it is poſſible, that after all the Care of the Legiſlature, in framing the ſaid Act or Acts, certain Inconveniences and Miſchiefs, unforeſeen at this Day, may be found to attend the ſaid Mode of electing by Ballot:

After the War, Elections to be by Ballot.

IT IS FURTHER ORDAINED, That if after a full and fair Experiment ſhall be made of voting by ballot aforeſaid, the ſame ſhall be found leſs conducive to the Safety or Intereſt of the State, than the Method of voting *Viva Voce*, it ſhall be lawful and conſtitutional for the Legiſlature to aboliſh the ſame: Provided two Thirds of the Members preſent in each Houſe reſpectively ſhall concur therein. And further, that during the Continuance of the preſent War, and until the Legiſlature of this State ſhall provide for the Election of Senators and Repreſentatives in Aſſembly by Ballot, the ſaid Elections ſhall be made *Viva Voce*.

Balloting to be aboliſhed if found inconvenient.

VII. THAT every Male Inhabitant of full Age, who ſhall have perſonally reſided within one of the Counties of this State, for ſix Months immediately preceding the Day of Election, ſhall at ſuch Election, be entitled to vote for Repreſentatives of the ſaid County in Aſſembly; if during the Time aforeſaid, he ſhall have been a Freeholder, poſſeſſing a Freehold of the Value of *Twenty Pounds*, within the ſaid County, or have rented a Tenement therein of the yearly Value of *Forty Shillings*, and been rated and actually paid Taxes to this State: *Provided always*, That every Perſon who now is a Freeman of the City of *Albany*, or who was made a Freeman of the City of *New-York*, on or before the fourteenth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-five, and ſhall be actually and uſually reſident in the ſaid Cities reſpectively, ſhall be entitled to vote for Repreſentatives in Aſſembly within his ſaid Place of Reſidence.

Qualifications of Electors.

VIII. THAT every Elector, before he is admitted to vote, ſhall, if required by the Returning Officer or either of the Inſpectors, take an Oath, or if of the People called Quakers, an Affirmation, of Allegiance to the State.

Electors to take an Oath of Allegiance.

IX. THAT

Privilege of Members of the Aſſembly.

IX. THAT the Aſſembly thus conſtituted, ſhall chuſe their own Speaker, be Judges of their own Members, and enjoy the ſame Privileges, and proceed in doing Buſineſs, in like Manner as the Aſſemblies of the Colony of *New-York* of *Right* formerly did; and that a Majority of the ſaid Members, ſhall, from Time to Time, conſtitute a Houſe to proceed upon Buſineſs.

A Majority to form a Houſe.

Twenty-four Senators to be choſen by Freeholders, of 1001. Freeholds.

X. AND this Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That the Senate of the State of *New-York*, ſhall conſiſt of *Twenty-four* Freeholders, to be choſen out of the Body of the Freeholders, and that they be choſen by the Freeholders of this State, poſſeſſed of Freeholds of the Value of *One Hundred Pounds*, over and above all Debts charged thereon.

Senators to be elected for four Years.

To be divided into four Claſſes;

And one fourth Part to be annually choſen.

XI. THAT the Members of the Senate be elected for four Years, and immediately after the firſt Election, they be divided by Lot into four Claſſes, ſix in each Claſs, and numbered, One, Two, Three and Four; that the Seats of the Members of the firſt Claſs ſhall be vacated at the Expiration of the firſt Year, the ſecond Claſs the ſecond Year, and ſo on continually, to the End that the fourth Part of the Senate, as nearly as poſſible, may be annually choſen.

Manner of chuſing Senators.

XII. THAT the Election of Senators ſhall be after this Manner; that ſo much of this State as is now parcelled into Counties, be divided into four great Diſtricts; the *Southern Diſtrict* to comprehend the City and County of *New-York*, *Suffolk*, *Weſtcheſter*, *King's*, *Queen's*, and *Richmond* Counties; the *Middle Diſtrict* to comprehend the Counties of *Dutcheſs*, *Ulſter* and *Orange*; the *Weſtern Diſtrict*, the City and County of *Albany*, and *Tryon* County; and the *Eaſtern Diſtrict*, the Counties of *Charlotte*, *Cumberland* and *Glouceſter*. That the Senators ſhall be elected by the Freeholders of the ſaid Diſtricts, qualified as aforeſaid, in the Proportions following, *to wit*; In the *Southern Diſtrict*, nine; in the *Middle Diſtrict*, ſix; in the *Weſtern Diſtrict*, ſix; and in the *Eaſtern Diſtrict*, three. AND BE IT ORDAINED, That a Cenſus ſhall be taken as ſoon as may be, after the Expiration of ſeven Years from the Termination of the preſent War, under the Direction of the Legiſlature: And if on ſuch Cenſus it ſhall appear, that the Number of Senators is not juſtly proportioned to the ſeveral Diſtricts, that the Legiſlature adjuſt the Proportion as near as may be, to the Number of Freeholders qualified as aforeſaid, in each Diſtrict. That when the Number of Electors within any of the ſaid Diſtricts, ſhall have increaſed one Twenty-fourth Part of the whole Number of Electors, which by the ſaid Cenſus ſhall be found to be in this State, an additional Senator ſhall be choſen by the Electors of ſuch Diſtrict. That a Majority of the Number of Senators to be choſen as aforeſaid, ſhall be neceſſary to conſtitute a Senate, ſufficient to proceed upon Buſineſs, and that the Senate ſhall in like Manner with the Aſſembly, be the Judges of its own Members. AND BE IT ORDAINED, That it ſhall be in the Power of the future Legiſlatures of this State, for the Convenience and Advantage of the good People thereof, to divide the ſame into ſuch further and other Counties and Diſtricts, as ſhall to them appear neceſſary.

Cenſus to be taken.

And if it ſhall appear that the Number of Senators is not juſtly proportioned, the Legiſlature ſhall adjuſt the ſame.

When the Number of Electors of any Diſtrict ſhall have increaſed one 24th Part, an additional Senator ſhall be choſen in the ſame.

A Majority of the Senators neceſſary to proceed upon Buſineſs.

The Senate to be Judges of its Members.

The Legiſlature may divide the State into other Counties and Diſtricts.

No Member of the State to be diſfranchiſed but by Law.

XIII. AND this Convention doth further, in the Name, and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That no Member of this State ſhall be diſfranchiſed, or deprived of any of the Rights or Privileges ſecured to the Subjects of this State, by this Conſtitution, unleſs by the Law of the Land, or the Judgment of his Peers.

Neither Houſe to adjourn longer than two Days, without mutual Conſent.

XIV. THAT neither the Aſſembly or the Senate ſhall have Power to adjourn themſelves for any longer Time than two Days, without the mutual Conſent of both.

XV. THAT

XV. THAT whenever the Aſſembly and Senate diſagree, a Conference ſhall be held in the Preſence of both, and be managed by Committees to be by them reſpectively choſen by ballot. That the Doors both of the Senate and Aſſembly, ſhall at all Times be kept open to all Perſons, except when the Welfare of the State ſhall require their Debates to be kept ſecret. And the Journals of all their Proceedings ſhall be kept in the Manner heretofore accuſtomed by the General Aſſembly of the Colony of *New-York*, and except ſuch Parts as they ſhall as aforeſaid, reſpectively determine not to make public, be from Day to Day (if the Buſineſs of the Legiſlature will permit) publiſhed.

Conference between the Aſſembly and Senate, in Caſe of Diſagreement.

Doors of the Senate and Aſſembly to be open.

XVI. IT is nevertheleſs provided, That the Number of Senators ſhall never exceed *One Hundred*, nor the Number of the Aſſembly *Three Hundred*; but that whenever the Number of Senators ſhall amount to One Hundred, or of the Aſſembly to Three Hundred, then and in ſuch Caſe the Legiſlature ſhall from Time to Time hereafter, by Laws for that Purpoſe, apportion and diſtribute the ſaid One Hundred Senators, and Three Hundred Repreſentatives, among the great Diſtricts and Counties of this State, in Proportion to the Number of their reſpective Electors, ſo that the Repreſentation of the good People of this State, both in the Senate and Aſſembly, ſhall for ever remain proportionate and adequate.

Number of the Senate and Aſſembly limited.

XVII. AND this Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That the ſupreme Executive Power, and Authority of this State, ſhall be veſted in a Governor; and that ſtatedly once in every Three Years, and as often as the Seat of Government ſhall become vacant, a wiſe and diſcreet Freeholder of this State, ſhall be by Ballot elected Governor by the Freeholders of this State, qualified as before deſcribed to elect Senators; which Elections ſhall be always held at the Times and Places of chooſing Repreſentatives in Aſſembly for each reſpective County; and that the Perſon who hath the greateſt Number of Votes within the ſaid State, ſhall be the Governor thereof.

Executive Power veſted in a Governor,

To be choſen once in three Years by Ballot.

XVIII. THAT the Governor ſhall continue in Office Three Years, and ſhall, by Virtue of his Office, be General and Commander in Chief of all the Militia, and Admiral of the Navy of this State; that he ſhall have Power to convene the Aſſembly and Senate on extraordinary Occaſions, to prorogue them from Time to Time, provided ſuch Prorogations ſhall not exceed ſixty Days in the Space of any one Year; and at his Diſcretion to grant Reprieves and Pardons to Perſons convicted of Crimes, other than Treaſon or Murder, in which he may ſuſpend the Execution of the Sentence, until it ſhall be reported to the Legiſlature at their ſubſequent Meeting; and they ſhall either pardon or direct the Execution of the Criminal, or grant a further Reprieve.

Power of the Governor.

XIX. THAT it ſhall be the Duty of the Governor to inform the Legiſlature at every Seſſions, of the Condition of the State, ſo far as may reſpect his Department; to recommend ſuch Matters to their Conſideration as ſhall appear to him to concern its good Government, Welfare and Proſperity; to correſpond with the Continental Congreſs, and other States; to tranſact all neceſſary Buſineſs with the Officers of Government, civil and military; to take Care that the Laws are faithfully executed to the Beſt of his Ability; and to expedite all ſuch Meaſures as may be reſolved upon by the Legiſlature.

His Duty.

XX. THAT a Lieutenant-Governor ſhall, at every Election of a Governor, and as often as the Lieutenant-Governor ſhall die, reſign, or be removed from Office, be elected in the ſame Manner with the Governor, to continue in Office, until the next Election of a Governor; and ſuch

Lieutenant-Governor,

To be President of the Senate.

Lieutenant-Governor shall, by Virtue of his Office, be President of the Senate, and, upon an equal Division, have a casting Voice in their Decisions, but not vote on any other Occasion.

His further Power and Duty.

And in Case of the Impeachment of the Governor, or his Removal from Office, Death, Resignation, or Absence from the State, the Lieutenant-Governor shall exercise all the Power and Authority appertaining to the Office of Governor, until another be chosen, or the Governor absent or impeached, shall return, or be acquitted. Provided, That where the Governor shall, with the Consent of the Legislature, be out of the State, in Time of War, at the Head of a military Force thereof, he shall still continue in his Command of all the military Force of this State, both by Sea and Land.

In the Absence of the Lieutenant-Governor, the Senators to elect one of their Members to be President of the Senate.

XXI. That whenever the Government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as President of the Senate, the Senators shall have Power to elect one of their own Members to the Office of President of the Senate, which he shall exercise *pro hac vice*: And if, during such Vacancy of the Office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or be absent from the State, the President of the Senate shall, in like Manner as the Lieutenant-Governor, administer the Government, until others shall be elected by the Suffrage of the People at the succeeding Election.

Treasurer to be appointed by Act of the Legislature.

XXII. And this Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That the Treasurer of this State shall be appointed by Act of the Legislature, to originate with the Assembly: Provided, That he shall not be elected out of either Branch of the Legislature.

Council of Appointment.

XXIII. That all Officers, other than those who by this Constitution are directed to be otherwise appointed, shall be appointed in the Manner following, *to wit;* The Assembly shall, once in every Year, openly nominate and appoint one of the Senators from each great District, which Senators shall form a Council for the Appointment of the said Officers, of which the Governor for the Time being, or the Lieutenant-Governor, or the President of the Senate, when they shall respectively administer the Government, shall be President, and have a casting Voice, *but no other Vote;* and with the Advice and Consent of the said Council, shall appoint all the said Officers; and that a Majority of the said Council be a Quorum. And further, the said Senators shall not be eligible to the said Council for two Years successively.

Tenure of certain Offices.

XXIV. That all military Officers be appointed during Pleasure; that all commissioned Officers, civil and military, be commissioned by the Governor, and that the Chancellor, the Judges of the Supreme Court, and first Judge of the County Court in every County, hold their Offices during good Behaviour, or until they shall have respectively attained the Age of sixty Years.

The Chancellor and Judges of the Supreme Court to hold no other Office, except of Delegate upon special Occasions.

First Judges of County Courts to hold no other Office, except of Senator or Delegate.

XXV. That the Chancellor and Judges of the Supreme Court, shall not at the same Time hold any other Office, excepting that of Delegate to the General Congress, upon special Occasions; and that the first Judges of the County Courts in the several Counties, shall not at the same Time hold any other Office, excepting that of Senator, or Delegate to the General Congress; But if the Chancellor, or either of the said Judges, be elected or appointed to any other Office, excepting as is before excepted, it shall be at his Option in which to serve.

XXVI. That

XXVI. THAT Sheriffs and Coroners be annually appointed; and that no Perſon ſhall be capable of holding either of the ſaid Offices more than four Years ſucceſſively, nor the Sheriff of holding any other Office at the ſame Time.

Sheriffs and Coroners to be annually appointed.--Sheriff to hold no other Office.

XXVII. AND BE IT FURTHER ORDAINED, That the Regiſter and and Clerks in Chancery be appointed by the Chancellor; the Clerks of the Supreme Court by the Judges of the ſaid Court; the Clerk of the Court of Probates, by the Judge of the ſaid Court; and the Regiſter and Marſhal of the Court of Admiralty, by the Judge of the Admiralty.—The ſaid Marſhal, Regiſters and Clerks, to continue in Office during the Pleaſure of thoſe by whom they are to be appointed, as aforeſaid.

The Chancellor, Judges of the Supreme Court, Judge of the Court of Probates, and the Judge of the Court of Admiralty, to appoint their Regiſters, Clerks and Marſhal.

AND all Attornies, Solicitors and Counſellors at Law, hereafter to be appointed, be appointed by the Court, and licenſed by the firſt Judge of the Court in which they ſhall reſpectively plead or practice; and be regulated by the Rules and Orders of the ſaid Courts.

Manner of appointing Attornies, Solicitors, and Counſellors at Law.

XXVIII. AND BE IT FURTHER ORDAINED, That where by this Conſtitution the Duration of any Office ſhall not be aſcertained, ſuch Office ſhall be conſtrued to be held during the Pleaſure of the Council of Appointment: Provided, that new Commiſſions ſhall be iſſued to Judges of the County Courts (other than to the firſt Judge) and to Juſtices of the Peace, once at the leaſt in every three Years.

Duration of Offices.

XXIX. THAT Town Clerks, Superviſors, Aſſeſſors, Conſtables and Collectors, and all other Officers heretofore eligible by the People, ſhall always continue to be ſo eligible, in the Manner directed by the preſent or future Acts of Legiſlature.

Town Officers to be elected by the People.

THAT loan Officers, County Treaſures, and Clerks of the Superviſors, continue to be appointed in the Manner directed by the preſent or future Acts of the Legiſlature.

Manner of appointing Loan Officers, County Treaſurers, & Superviſors Clerks.

XXX. THAT Delegates to repreſent this State, in the General Congreſs of the United States of *America*, be annually appointed as follows, *to wit*; The Senate and Aſſembly ſhall each openly nominate as many Perſons as ſhall be equal to the whole Number of Delegates to be appointed; after which Nomination, they ſhall meet together, and thoſe Perſons named in both Liſts ſhall be Delegates; and out of thoſe Perſons whoſe Names are not on both Liſts, one Half ſhall be choſen by the joint Ballot of the Senators and Members of Aſſembly, ſo met together as aforeſaid.

Manner of appointing Delegates to Congreſs

XXXI. THAT the Stile of all Laws ſhall be as follows, *to wit*; BE IT ENACTED *by the People of the State of New-York, repreſented in Senate and Aſſembly*. And that all Writs and other Proceedings ſhall run in the Name of, *The People of the State of New-York*, and be teſted in the Name of the Chancellor or Chief Judge of the Court from whence they ſhall iſſue.

Stile of Laws.

Form of Writs.

XXXII. AND this Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That a Court ſhall be inſtituted for the Trial of Impeachments, and the Correction of Errors, under the Regulations which ſhall be eſtabliſhed by the Legiſlature; and to conſiſt of the Preſident of the Senate for the Time being, and the Senators, Chancellor, and Judges of the Supreme Court, or the major Part of them; except that when an Impeachment ſhall be proſecuted againſt the Chancellor, or either of the Judges of the Supreme Court, the Perſon ſo impeached ſhall be ſuſpended from exerciſing his Office, until

Court for Trial of Impeachments, and Correction of Errors.

until his Acquittal: And in like Manner, when an Appeal from a Decree in Equity ſhall be heard, the Chancellor ſhall inform the Court of the Reaſons of his Decree, but ſhall not have a Voice in the final Sentence. And if the Cauſe to be determined ſhall be brought up by Writ of Error on a Queſtion of Law, on a Judgment in the Supreme Court, the Judges of the Court ſhall aſſign the Reaſons of ſuch their Judgment, but ſhall not have a Voice for its Affirmance or Reverſal.

Power of Impeachment veſted in the Aſſembly.

XXXIII. THAT the Power of impeaching all Officers of the State, for mal and corrupt Conduct in their reſpective Offices, be veſted in the Repreſentatives of the People in Aſſembly; but that it ſhall always be neceſſary that two third Parts of the Members preſent ſhall conſent to and agree in ſuch Impeachment. That previous to the Trial of every Impeachment, the Members of the ſaid Court ſhall reſpectively be ſworn, truly and impartially to try and determine the Charge in Queſtion, according to Evidence; and that no Judgment of the ſaid Court ſhall be valid, unleſs it ſhall be aſſented to by two third Parts of the Members then preſent; nor ſhall it extend farther than to Removal from Office, and Diſqualification to hold or enjoy any Place of Honour, Truſt or Profit, under this State. But the Party ſo convicted, ſhall be, nevertheleſs, liable and ſubject to Indictment, Trial, Judgment and Puniſhment, according to the Laws of the Land.

Members of the Court to be ſworn.

Perſons impeached or indicted, allowed Counſel.

XXXIV. AND IT IS FURTHER ORDAINED, That in every Trial on Impeachment or Indictment for Crimes or Miſdemeanors, the Party impeached or indicted, ſhall be allowed Counſel, as in civil Actions.

The Law of the State.

XXXV. AND this Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That ſuch Parts of the common Law of *England*, and of the Statute Law of *England* and *Great-Britain*, and of the Acts of the Legiſlature of the Colony of *New-York*, as together did form the Law of the ſaid Colony on the *Nineteenth* Day of *April*, in the Year of our Lord, one Thouſand ſeven Hundred and Seventy-five, ſhall be and continue the Law of this State; ſubject to ſuch Alterations and Proviſions as the Legiſlature of this State ſhall, from Time to Time, make concerning the ſame. That ſuch of the ſaid Acts as are temporary, ſhall expire at the Times limited for their Duration reſpectively. That all ſuch Parts of the ſaid common Law, and all ſuch of the ſaid Statutes, and Acts aforeſaid, or Parts thereof, as may be conſtrued to eſtabliſh or maintain any particular Denomination of Chriſtians, or their Miniſters, or concern the Allegiance heretofore yielded to, and the Supremacy, Sovereignty, Government or Prerogatives, claimed or exerciſed by the King of *Great-Britain* and his Predeceſſors, over the Colony of *New-York* and its Inhabitants, or are repugnant to this Conſtitution, be, and they hereby are abrogated and rejected. And this Convention doth further ordain, that the Reſolves or Reſolutions of the Congreſſes of the Colony of *New-York*, and of the Convention of the State of *New-York*, now in force, and not repugnant to the Government eſtabliſhed by this Conſtitution, ſhall be conſidered as making Part of the Laws of this State; ſubject, nevertheleſs, to ſuch Alterations and Proviſions, as the Legiſlature of this State may from Time to Time make, concerning the ſame.

Grants of Land, made by the King after the 14th Octo. 1775, void.

XXXVI. AND BE IT FURTHER ORDAINED, That all Grants of Land within this State, made by the King of *Great-Britain*, or Perſons acting under his Authority, after the *Fourteenth* Day of *October*, one Thouſand ſeven Hundred and Seventy-five, ſhall be null and void: But that nothing in this Conſtitution contained ſhall be conſtrued to affect any Grants of Land within this State, made by the Authority of the ſaid King or his Predeceſſors,

Predeceſſors, or to annul any Charters to Bodies Politic, by him or them, or any of them, made prior to that Day. And that none of the ſaid Charters ſhall be adjudged to be void by Reaſon of any Non-uſer or Miſ-uſer of any of their reſpective Rights or Privileges, between the Nineteenth Day of April, in the Year of our Lord One Thouſand ſeven Hundred and Seventy-five, and the Publication of this Conſtitution. And further, That all ſuch of the Officers deſcribed in the ſaid Charters reſpectively, as by the Terms of the ſaid Charters, were to be appointed by the Governor of the Colony of *New-York*, with or without the Advice and Conſent of the Council of the ſaid King, in the ſaid Colony, ſhall henceforth be appointed by the Council eſtabliſhed by this Conſtitution, for the Appointment of Officers in this State, until otherwiſe directed by the Legiſlature.

XXXVII. AND WHEREAS it is of great Importance to the Safety of this State, that Peace and Amity with the Indians within the ſame, be at all Times ſupported and maintained. AND WHEREAS the Frauds too often practiſed towards the ſaid Indians, in Contracts made for their Lands, have in divers Inſtances been productive of dangerous Diſcontents and Animoſities; BE IT ORDAINED, That no Purchaſes or Contracts for the Sale of Lands, made ſince the Fourteenth Day of October, in the Year of our Lord One Thouſand ſeven Hundred and Seventy-five, or which may hereafter be made with or of the ſaid Indians, within the Limits of this State, ſhall be binding on the ſaid Indians, or deemed valid, unleſs made under the Authority, and with the Conſent of the Legiſlature of this State.

Importance of Peace with the Indians.

Frauds in Contracts for their Lands.

No Purchaſe or Contract for their Lands valid, unleſs made under the Authority, and with the Conſent of the Legiſlature.

XXXVIII. AND WHEREAS we are required by the benevolent Principles of rational Liberty, not only to expel civil Tyranny, but alſo to guard againſt that ſpiritual Oppreſſion and Intolerance, wherewith the Bigotry and Ambition of weak and wicked Prieſts and Princes have ſcourged Mankind: This Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That the free Exerciſe and Enjoyment of religious Profeſſion and Worſhip, without Diſcrimination or Preference, ſhall for ever hereafter be allowed within this State to all Mankind. *Provided*, That the Liberty of Conſcience hereby granted, ſhall not be ſo conſtrued, as to excuſe Acts of Licentiouſneſs, or juſtify Practices inconſiſtent with the Peace or Safety of this State.

Free exerciſe of Religion.

XXXIX. AND WHEREAS the Miniſters of the Goſpel are, by their Profeſſion, dedicated to the Service of God and the Cure of Souls, and ought not to be diverted from the great Duties of their Function; therefore no Miniſter of the Goſpel, or Prieſt of any Denomination whatſoever, ſhall at any Time hereafter, under any Pretence or Deſcription whatever, be eligible to, or capable of holding any civil or military Office or Place, within this State.

No Miniſter of the Goſpel, or Prieſt, to hold any Office.

XL. AND WHEREAS it is of the utmoſt Importance to the Safety of every State, that it ſhould always be in a Condition of Defence; and it is the Duty of every Man who enjoys the Protection of Society, to be prepared and willing to defend it: This Convention therefore, in the Name and by the Authority of the good People of this State, doth ORDAIN, DETERMINE AND DECLARE, That the Militia of this State, at all Times hereafter, as well in Peace as in War, ſhall be armed and diſciplined, and in Readineſs for Service. That all ſuch of the Inhabitants of this Sate, being of the People called Quakers, as from Scruples of Conſcience may be averſe to the bearing of Arms, be therefrom excuſed by the Legiſlature; and do pay to the State ſuch Sums of Money in Lieu of their perſonal Service, as the ſame may, in the Judgment of the Legiſlature, be worth: And that a proper Magazine of

Militia.

Quakers.

Magazine.

warlike Stores, proportionate to the Number of Inhabitants, be for ever hereafter at the Expence of this State, and by Acts of the Legiſlature, eſtabliſhed, maintained, and continued in every County in this State.

Trial by Jury.

XLI. And this Convention doth further ORDAIN, DETERMINE AND DECLARE, in the Name and by the Authority of the good People of this State, That Trial by Jury, in all Caſes in which it hath heretofore been uſed in the Colony of *New-York*, ſhall be eſtabliſhed, and remain inviolate for ever. And that no Acts of Attainder ſhall be paſſed by the Legiſlature of this State, for Crimes other than thoſe committed before the Termination of the preſent War; and that ſuch Acts ſhall not work a Corruption of Blood.

All new Courts to proceed according to the common Law.

And further, that the Legiſlature of this State ſhall at no Time hereafter, inſtitute any new Court or Courts, but ſuch as ſhall proceed according to the Courſe of the Common Law.

Naturalization of Foreigners.

XLII. And this Convention doth further, in the Name and by the Authority of the good People of this State, ORDAIN, DETERMINE AND DECLARE, That it ſhall be in the Diſcretion of the Legiſlature to naturalize all ſuch Perſons, and in ſuch Manner as they ſhall think proper; provided all ſuch of the Perſons ſo to be by them naturalized, as being born in Parts beyond Sea, and out of the United States of *America*, ſhall come to ſettle in, and become Subjects of this State, ſhall take an Oath of Allegiance to this State, and abjure and renounce all Allegiance and Subjection to all and every foreign King, Prince, Potentate and State, in all Matters eccleſiaſtical as well as civil.

By Order,

LEONARD GANSEVOORT,

Presid. P. T.

LAWS

LAWS
OF THE
STATE of NEW-YORK.

Passed in the FIRST SESSION of the LEGISLATURE, held at POUGHKEEPSIE, in DUTCHESS County.

CHAP. I.

AN ACT *to impower the Governor, Lieutenant-Governor, or Presidents of the Senate, administring the Government of this State, to order the Commissioner and Commissaries therein mentioned, to issue the several Stores, Cloathing and Necessaries therein specified, to the Uses and Purposes therein directed.*

Passed 4th February, 1778.

Expired 1st Jan. 1779. Revived 2d Sess. Ch. 13. Expired with the War.

CHAP. II.

An ACT *appointing Commissioners for detecting and defeating Conspiracies, and declaring their Powers.*

Passed 5th February, 1778.

Continued 2d Sess. Ch. 3 & 10, and 3d Sess. Ch. 7 & 62. Expired with the War.

CHAP. III.

An ACT *of Accession to, and Approbation of certain proposed Articles of Confederation and perpetual Union between the United States of* America, *and to authorize the Delegates of the State of* New-York, *to ratify the same on the Part and Behalf of this State, in the Congress of the said United States.*

Passed 6th February, 1778.

Preamble.

WHEREAS the Freedom, Sovereignty and Independence of the said States, which, with a Magnanimity, Fortitude, Constancy and Love of Liberty, hitherto unparalleled, they have asserted and maintained, against their cruel and unrelenting Enemies, the King and Parliament of the Realm of *Great-Britain*, will, for their lasting and unshaken Security, in a great Measure depend, under God, on a wise, well concerted, intimate and equal Confederation of the said United States. *And whereas* the Honourable the Congress of the said United States, have transmitted, for the Consideration of the Legislature of this State, and for their Ratification in Case they shall approve of the same, the following Articles of Confederation, *to wit.*

Articles of Confederation.

" ARTICLES *of Confederation and perpetual Union, between the States of* New-
" Hampshire, Massachusetts-Bay, Rhode-Island *and* Providence Plantations,
" Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Mary-
" land, Virginia, North-Carolina, South-Carolina *and* Georgia.

1. Stile of Confederacy.

" *Article* 1st. THE Stile of this Confederacy shall be, *The United States of*
" AMERICA.

" *Article*

A. D. 1778. Inde. *U. S.* II.

2. Powers not delegated, retained by each State.

" *Article* 2d. EACH State retains its Sovereignty, Freedom and Inde-
" pendence; and every Power, Juriſdiction and Right, which is not by
" this Confederation expreſsly delegated to the United States in Congreſs
" aſſembled.

3. League offenſive and defenſive.

" *Article* 3d. THE ſaid States hereby ſeverally enter into a firm League of
" Friendſhip with each other, for their common Defence, the Security of
" their Liberties, and their mutual and general Welfare; binding themſelves
" to aſſiſt each other, againſt all Force offered to, or Attacks made upon
" them, or any of them, on Account of Religion, Sovereignty, Trade, or
" any other Pretence whatever.

4. Freedom of Intercourſe.

" *Article* 4th. THE better to ſecure and perpetuate mutual Friendſhip and
" Intercourſe among the People of the different States in this Union, the free
" Inhabitants of each of theſe States, (Paupers, Vagabonds and Fugitives
" from Juſtice excepted) ſhall be entitled to all Privileges and Immunities of
" free Citizens in the ſeveral States: And the People of each State ſhall have

Ingreſs and Regreſs, and equal Freedom of Trade.

" free Ingreſs and Regreſs, to and from any other State; and ſhall enjoy
" therein all the Privileges of Trade and Commerce; ſubject to the ſame
" Duties, Impoſitions and Reſtrictions, as the Inhabitants thereof reſpectively.
" *Provided*, That ſuch Reſtrictions ſhall not extend ſo far as to prevent the
" Removal of Property imported into any State, to any other State, of
" which the Owner is an Inhabitant: *Provided alſo*, That no Impoſition,
" Duties or Reſtriction, ſhall be laid by any State on the Property of the
" United States, or either of them.

Fugitives from Juſtice to be deliver'd up.

" IF any Perſon guilty of, or charged with Treaſon, Felony, or other high
" Miſdemeanor in any State, ſhall flee from Juſtice, and be found in any of
" the United States, he ſhall, upon Demand of the Governor, or Executive
" Power of the State from which he fled, be delivered up and removed to
" the State having Juriſdiction of his Offence.

Reciprocal Faith and Credit to public Acts.

" FULL Faith and Credit ſhall be given in each of theſe States, to the
" Records, Acts and judicial Proceedings of the Courts and Magiſtrates of
" every other State.

5. An annual Congreſs.

" *Article* 5th. FOR the more convenient Management of the general In-
" tereſts of the United States, Delegates ſhall be annually appointed, in ſuch
" Manner as the Legiſlature of each State ſhall direct, to meet in Congreſs,
" on the firſt *Monday* in *November* in every Year, with a Power reſerved to
" each State, to recall its Delegates, or any of them, at any Time within the
" Year; and to ſend others in their Stead for the Reminder of the Year.

No State to be repreſented by leſs than two, nor more than ſeven Members.

" No State ſhall be repreſented in Congreſs by leſs than two, nor by more
" than ſeven Members; and no Perſon ſhall be capable of being a Delegate
" for more than three Years, in any Term of ſix Years; nor ſhall any Perſon
" being a Delegate, be capable of holding any Office under the United States,
" for which he, or another for his Benefit, receives any Salary, Fees or
" Emolument of any Kind.

Each State ſhall maintain its own Delegates,

" EACH State ſhall maintain its own Delegates in a Meeting of the States,
" and while they act as Members of the Committee of the States.

And have one Vote.

" IN determining Queſtions in the United States in Congreſs aſſembled,
" each State ſhall have one Vote.

Freedom of Speech and Debates.

" FREEDOM of Speech and Debate in Congreſs, ſhall not be impeached
" or queſtioned in any Court or Place out of Congreſs; and the Members

Protection from Arreſt & Impriſonment.

" of Congreſs ſhall be protected in their Perſons from Arreſts and Impriſon-
" ments during the Time of their going to and from, and Attendance on
" Congreſs; except for Treaſon, Felony, or Breach of the Peace.

6. No State to ſend or receive Embaſſies without Conſent of United States.

" *Article* 6th. No State, without the Conſent of the United States in
" Congreſs aſſembled, ſhall ſend any Embaſſy to, or receive any Embaſſy
" from

" from, or enter into any Conference, Agreement, Alliance or Treaty, " with any King, Prince or State; nor shall any Person holding any Office " of Profit or Trust, under the United States, or any of them, accept of " any Present, Emolument, Office or Title, of any Kind whatever, from " any King, Prince, or Foreign State; nor shall the United States in " Congress assembled, or any of them, grant any Title of Nobility.

No two or more States to make Treaties with each other, without Consent of U. States.

" No two or more States shall enter into any Treaty, Confederation or " Alliance whatever, between them, without the Consent of the United States " in Congress assembled; specifying accurately, the Purposes for which the " same is to be entered into; and how long it shall continue.

Nor lay Duties interfering with Treaties.

" No State shall lay any Imposts or Duties, which may interfere with any " Stipulations in Treaties entered into by the United States in Congress " assembled, with any King, Prince or State, in Pursuance of any Treaties " already proposed by Congress, to the Courts of *France* and *Spain*.

Nor maintain in Time of Peace, Ships of War or Land Forces.

" No Vessels of War shall be kept up in Time of Peace by any State; " except such number only, as shall be deemed necessary, by the United " States in Congress assembled, for the Defence of such State, or its Trade; " nor shall any Body of Forces be kept up by any State in Time of Peace, " except such Number only, as, in the Judgment of the United States in " Congress assembled, shall be deemed requisite to garrison the Forts, neces- " sary for the Defence of such State; but every State shall always keep up " a well regulated and disciplined Militia, sufficiently armed and accoutered; " and shall provide, and constantly have ready for Use, in public Stores, a " due Number of Field Pieces, and Tents, and a proper Quantity of Arms, " Ammunition and Camp Equipage.

Every State to keep a well regulated Militia and public Stores of Arms and other Munitions of War.

No State to make War without Consent of United States, except for immediate Defence.

" No State shall engage in any War without the Consent of the United " States in Congress assembled, unless such State be actually invaded by " Enemies; or shall have received certain Advice of a Resolution being formed " by some Nation of Indians, to invade such State; and the Danger is so " imminent, as not to admit of a Delay, till the United States in Congress " assembled, can be consulted; nor shall any State grant Commissions to " any Ships or Vessels of War, nor Letters of Marque or Reprisal, except " it be after a Declaration of War, by the United States in Congress assem- " bled; and then only against the Kingdom or State, and the Subjects thereof, " against which War has been so declared; and under such Regulations as " shall be established, by the United States in Congress assembled, unless such " State be infested by Pirates. In which Case, Vessels of War may be fitted " out for that Occasion, and kept so long as the Danger shall continue; or " until the United States in Congress assembled, shall determine otherwise.

Nor grant Commissions to Ships till after War declared.

7. Officers in Land Forces under Rank of Colonel, to be appointed by each State.

" *Article* 7th. When Land Forces are raised by any State for the com- " mon Defence, all Officers of, or under the Rank of Colonel, shall be " appointed by the Legislature of each State respectively, by whom such " Forces shall be raised, or in such Manner, as such State shall direct; and all " Vacancies shall be filled up by the State which first made the Appointment.

8. How Charges of War and other Expences of the United States shall be defrayed.

Altered 6th Sess. Ch. 5. & 8 Sess. Ch. 63.

" *Article* 8th. All Charges of War, and all other Expences that shall " be incurred, for the common Defence or general Welfare, and allowed by " the United States in Congress assembled, shall be defrayed out of a common " Treasury; which shall be supplied by the several States, in Proportion to " the Value of all Land within each State, granted to, or surveyed for any " Person, as such Land and the Buildings and Improvements thereon shall be " estimated, according to such Mode as the United States in Congress assem- " bled, shall, from Time to Time, direct and appoint. The Taxes for paying " that Proportion, shall be laid and levied, by the Authority and Direction of " the Legislature of the several States within the Time agreed upon by the " United States in Congress assembled.

A. D. 1778. Inde. *U. S.* II.

9. Congreſs to have the Power of War and Peace, ſending and receiving Ambaſſadors, making Treaties, eſtabliſhing Rules for Captures, granting Letters of Marque and Repriſal.

" *Article* 9th. THE United States in Congreſs aſſembled, ſhall have the " ſole and excluſive Right and Power, of determining on Peace and War, " except in the Caſes mentioned in the ſixth Article; of ſending and receiving " Ambaſſadors, entering into Treaties and Alliances. *Provided*, That no " Treaty of Commerce ſhall be made, whereby the Legiſlative Power of " the reſpective States ſhall be reſtrained from impoſing ſuch Impoſts and " Duties on Foreigners, as their own People are ſubjected to, or from pro- " hibiting the Exportation or Importation of any Species of Goods or Com- " modities whatſoever; of eſtabliſhing Rules for deciding, in all Caſes, what " Captures on Land or Water, ſhall be legal; and in what Manner Prizes " taken by Land or Naval Forces, in the Service of the United States, ſhall " be divided or appropriated; of granting Letters of Marque and Repriſal " in Times of Peace; appointing Courts for the Trial of Piracies and Felo- " nies, committed on the High Seas; and eſtabliſhing Courts, for receiving " and determining finally, Appeals, in all Caſes of Captures: *Provided*, That " no Member of Congreſs ſhall be appointed a Judge of any of the ſaid " Courts.

Appointing Courts for trying Piracies, Felonies on the Sea, and for determining Appeals on Captures.

Congreſs to be the laſt Reſort on Appeal between two or more States.

" THE United States in Congreſs aſſembled, ſhall alſo be the laſt Reſort " on Appeal, in all Diſputes and Differences now ſubſiſting, or that here- " after may ariſe, between two or more States, concerning Boundary, " Juriſdiction, or any other Cauſe whatever; which Authority ſhall always be " exerciſed in the Manner following: Whenever the Legiſlative or Executive " Authority, or lawful Agent of any State, in Controverſy with another, " ſhall preſent a Petition to Congreſs, ſtating the Matter in Queſtion, and " praying for a hearing, Notice thereof ſhall be given by Order of Congreſs " to the Legiſlative or Executive Authority of the other State in Contro- " verſy, and a Day aſſigned for the Appearance of the Parties by their " lawful Agents, who ſhall then be directed to appoint by joint Conſent, " Commiſſioners or Judges to conſtitute a Court for hearing and determining " the Matter in Queſtion; but if they cannot agree, Congreſs ſhall name " three Perſons out of each of the United States. And from the Liſt of " ſuch Perſons each Party ſhall alternately ſtrike out one (the Petitioners " beginning) until the Number ſhall be reduced to Thirteen; and from " that Number not leſs than ſeven, nor more than nine Names, as Congreſs " ſhall direct, ſhall, in the Preſence of Congreſs, be drawn out by lot, and " the Perſons whoſe Names ſhall be ſo drawn, or any five of them, ſhall be " Commiſſioners or Judges to hear and finally determine the Controverſy. " So always, as a major Part of the Judges who ſhall hear the Cauſe ſhall " agree in the Determination; and if either Party ſhall neglect to attend at " the Day appointed, without ſhewing Reaſons, which Congreſs ſhall judge " ſufficient, or being preſent, ſhall refuſe to ſtrike, the Congreſs ſhall proceed " to nominate three Perſons out of each State; and the Secretary of Congreſs " ſhall ſtrike in Behalf of ſuch Party abſent or refuſing; and the Judgment " and Sentence of the Court, to be appointed in the Manner before pre- " ſcribed, ſhall be final and concluſive; and if any of the Parties ſhall refuſe " to ſubmit to the Authority of ſuch Court, or to appear or defend their " Claim, or Cauſe, the Court ſhall, nevertheleſs, proceed to pronounce " Sentence, or Judgment, which ſhall, in like Manner, be final and deciſive, " the Judgment or Sentence and other Proceedings, being in either Caſe, " tranſmitted to Congreſs, and lodged among the Acts of Congreſs, for the " Security of the Parties concerned: *Provided*, That every Commiſſioner " before he ſits in Judgment, ſhall take an Oath, to be adminiſtered by one " of the Judges of the Supreme or Superior Court of the State, where the " Cauſe ſhall be tried, "*well and truly to hear and determine the Matter in " Queſtion, according to the beſt of his Judgment, without Favour, Affection or " Hope of Reward:*" *Provided alſo*, That no State ſhall be deprived of " Territory for the Benefit of the United States.

Mode of conducting the ſame.

" ALL

A. D. 1778. Inde. *U. S.* II.

As also other Controversies concerning private Right of Soil, claimed by Grants of different States.

"ALL Controverſies concerning the private Right of Soil claimed under "different Grants, of two or more States, whoſe Juriſdictions, as they may "reſpect ſuch Lands, and the States which paſſed ſuch Grants, are adjuſted, "the ſaid Grants, or either of them, being at the ſame Time claimed to have "originated antecedent to ſuch Settlement of Juriſdiction, ſhall, on the "Petition of either Party, to the Congreſs of the United States, be finally "determined, as near as may be, in the ſame Manner as is before preſcri-"bed for deciding Diſputes, reſpecting territorial Juriſdiction between dif-"ferent States.

The Power of regulating the Alloy and Value of Coin, fixing Weights and Meaſures, regulating Trade and Indian Affairs.

"THE United States in Congreſs aſſembled, ſhall alſo have the ſole and "excluſive Right and Power of regulating the Alloy, and Value of Coin "ſtruck by their own Authority, or by that of the reſpective States; fixing "the Standard of Weights and Meaſures throughout the United States; regu-"lating the Trade, and managing all Affairs with the Indians, not Members of "any of the States; *Provided*, That the Legiſlative Right of any State, within "its own Limits, be not infringed or violated; eſtabliſhing and regulating "Poſt-Offices, from one State to another, throughout the United States; and "exacting ſuch Poſtage, on the Papers paſſing through the ſame, as may be "requiſite to defray the Expences of the ſaid Office; appointing all Officers "of the Land Forces in the Service of the United States, excepting Regi-"mental Officers; appointing all the Officers of the Naval Forces, and "commiſſioning all Officers whatever, in the Service of the United States; "making Rules for the Government and Regulation of the ſaid Land and "Naval Forces, and directing their Operations.

Regulating Poſt-Offices, appointing Officers in Land Forces, except Regimental, and all Naval Officers, & commiſſioning all Officers, and making Rules for their Regulation.

Congreſs to appoint a Committee of the States.

Civil Officers.

A Preſident.

To aſcertain the Sums of Money to be raiſed.

To borrow Money, or emit Bills.

To build a Navy.

To agree upon the Number of Land Forces.

To make Requiſitions.

"THE United States in Congreſs aſſembled, ſhall have Authority to ap-"point a Committee, to ſit in the Receſs of Congreſs; to be denominated, "*A Committee of the States*, and to conſiſt of one Delegate from each State; "and to appoint ſuch other Committees and civil Officers, as may be neceſſary "for managing the general Affairs of the United States, under their Directi-"on; to appoint one of their Number to preſide; *Provided*, That no Perſon "be allowed to ſerve in the Office of Preſident, more than one Year in any "Term of three Years; to aſcertain the neceſſary Sums of Money to be "raiſed, for the Service of the United States, and to appropriate and to "apply the ſame, for defraying the public Expences; to borrow Money, or "emit Bills on the Credit of the United States; tranſmitting, every half "Year, to the reſpective States, an Account of the Sums of Money ſo bor-"rowed or emitted; to build and equip a Navy; to agree upon the Number "of Land Forces; and to make Requiſitions from each State, for its Quota, "in Proportion to the Number of white Inhabitants in ſuch State; which "Requiſitions ſhall be binding, and thereupon the Legiſlature of each State "ſhall appoint the Regimental Officers, raiſe the Men, and clothe, arm and "equip them in a Soldier-like Manner, at the Expence of the United States, "and the Officers and Men ſo clothed, armed and equipped, ſhall march to "the Place appointed, and within the Time agreed on, by the United States "in Congreſs aſſembled: But if the United States in Congreſs aſſembled, "ſhall, on Conſideration of Circumſtances, judge proper that any State "ſhould not raiſe Men, or ſhould raiſe a ſmaller Number than its Quota, "and that any other State ſhould raiſe a greater Number of Men than the "Quota thereof, ſuch extra Number ſhall be raiſed, officered, clothed, "armed and equipped, in the ſame Manner, as the Quota of ſuch State, "unleſs the Legiſlature of ſuch State ſhall judge that ſuch extra Number "cannot be ſafely ſpared out of the ſame. In which Caſe, they ſhall raiſe, "officer, clothe, arm and equip, as many of ſuch extra Number, as they "judge can be ſafely ſpared. And the Officers and Men, ſo clothed, armed "and equipped, ſhall march to the Place appointed, and within the Time "agreed on, by the United States in Congreſs aſſembled.

"THE

A. D. 1778. Inde. *U. S.* II.

Congreſs not to declare War, &c. but with Conſent of nine States.

"THE United States in Congreſs aſſembled, ſhall never engage in a War, "nor grant Letters of Marque and Repriſal in Time of Peace; nor enter "into any Treaties or Alliances; nor coin Money; nor regulate the Value "thereof; nor aſcertain the Sums and Expences neceſſary for the Defence "and Welfare of the United States, or any of them; nor emit Bills; nor "borrow Money on the Credit of the United States; nor appropriate Money; "nor agree upon the Number of Veſſels of War to be built or purchaſed; or "the Number of Land or Sea Forces to be raiſed; nor appoint a Commander "in Chief of the Army or Navy, unleſs nine States aſſent to the ſame: Nor "ſhall a Queſtion on any other Point, except for adjourning from Day to "Day, be determined, unleſs by the Votes of a Majority of the United "States in Congreſs aſſembled.

Queſtions in Congreſs to be determined by a Majority of Voices.

Power of Adjournment.

"THE Congreſs of the United States ſhall have Power to adjourn, to any "Time within the Year, and to any Place within the United States, ſo that "no Period of Adjournment be for a longer Duration, than the Space of ſix "Months; and ſhall publiſh the Journal of their Proceedings monthly, except "ſuch Parts thereof relating to Treaties, Alliances or military Operations, as "in their Judgment require ſecrecy; and the Yeas and Nays of the Delegates "of each State on any Queſtion ſhall be entered on the Journal when it is "deſired by any Delegate; and the Delegates of a State, or any of them, at "his or their Requeſt, ſhall be furniſhed with a Tranſcript of the ſaid Journal, "except ſuch Parts as are above excepted, to lay before the Legiſlatures of "the ſeveral States.

To publiſh their Proceedings.

10. Committee of States, or any nine of them, in Receſs of Congreſs, to execute Powers.

"*Article* 10th. THE Committee of the States, or any nine of them, ſhall "be authoriſed to execute in the Receſs of Congreſs, ſuch of the Powers of "Congreſs, as the United States in Congreſs aſſembled, by the Conſent of "nine States, ſhall, from Time to Time think expedient to veſt them with; "*Provided*, That no Power be delegated to the ſaid Committee, for the "Exerciſe of which, by the Articles of Confederation, the Voice of nine "States, in the Congreſs of the United States aſſembled, is requiſite.

11. *Canada* may be admitted into the Union.

"*Article* 11th. CANADA acceding to this Confederation, and joining in "the Meaſures of the United States, ſhall be admitted into, and intitled to "all the Advantages of this Union; but no other Colony ſhall be admitted "into the ſame, unleſs ſuch Admiſſion be agreed to by nine States.

12. Debts contracted to be a Charge on the United States.

"*Article* 12th. ALL Bills of Credit emitted, Monies borrowed, and Debts "contracted by, or under the Authority of Congreſs, before the aſſembling "of the United States, in Purſuance of the preſent Confederation, ſhall be "deemed and conſidered as a Charge againſt the United States; for Pay-"ment and Satisfaction whereof, the ſaid United States, and the public "Faith, are hereby ſolemnly pledged.

13. States to abide by Order of Congreſs, and the Union to be perpetual.

"*Article* 13th. EVERY State ſhall abide by the Determination of the "United States, in Congreſs aſſembled, on all Queſtions, which, by this "Confederation, are ſubmitted to them. And the Articles of this Confe-"deration ſhall be inviolably obſerved by every State, and the Union ſhall be "perpetual: Nor ſhall any Alteration at any Time hereafter be made, in any "of them, unleſs ſuch Alteration be agreed to, in a Congreſs of the United "States, and be afterwards confirmed by the Legiſlatures of every State.

"THESE Articles ſhall be propoſed to the Legiſlatures of all the United "States, to be conſidered; and if approved by them, they are adviſed to "authoriſe their Delegates, to ratify the ſame, in the Congreſs of the United "States; which being done, the ſame ſhall become concluſive.

By Order of Congreſs,

HENRY LAURENS, Preſident."

And

A. D. 1778. Inde. U. S. II.

And whereas the Senate and Assembly of this State of *New-York*, in Legislature convened, have separately taken the said several Articles of Confederation into their respective, most deliberate, and mature Consideration; and by their several and respective Resolutions, deliberately made and entered into for the Purpose, have fully and entirely approved of the same;

Approbation of Articles of Confederation.

In Order therefore, That such Approval may be published and made known to the whole World, with all the Solemnities of Law, and that all the Subjects of this State, and others inhabiting and residing therein, from Time to Time, and at all Times thereafter, as long as the said Confederation shall subsist and endure, may be bound by, and held to the due Observance of the said Articles of Confederation, as a Law of this State, if the same shall be duly ratified by all the said United States in Congress assembled;

Be it Enacted, and Declared by the People of the State of New-York, *represented in Senate and Assembly, and it is hereby Enacted and Declared by the Authority of the same*, That the said several above recited Articles of Confederation, and all and singular the Clauses, Matters and Things in the same contained, be, and the same are hereby fully accepted, received and approved of, for and in Behalf of the People of this State.

AND to the End that the same may, with all due Form and Solemnity, be ratified and confirmed by this State in Congress;

Power to Delegates to ratify the same in Congress.

Be it further Enacted by the Authority aforesaid, That the Delegates of this State, in the said Congress of the United States of *America*, or any Two of the said Delegates, shall be, and hereby are fully authorised, impowered and required, wholly, intirely and absolutely, for and in Behalf of the People of this State, and in such Manner and under such Formalities, as shall be determined in Congress, to ratify and confirm, all and every of the said above recited Articles of Confederation, and all and singular the Clauses, Matters and Things in the same contained; and that on Exemplification of this Act, tested by his Excellency the Governor, or the Lieutenant-Governor, or President of the Senate of this State, for the Time being, administring the Government, and authenticated with the Great Seal of this State, shall be full and conclusive Evidence of this Act. *Provided always*, That nothing in this Act, or the said above recited Articles of Confederation contained, nor any Act, Matter or Thing, to be done and transacted by the Delegates of this State in Congress, in and concerning the Premises or any Part thereof, shall bind or oblige, or be construed, deemed or esteemed to bind or oblige the Government, Legislature, People, Subjects, Inhabitants or Residents of this State, until the said above recited Articles of Confederation shall have been duly ratified, and confirmed by, or in Behalf of all the said United States in Congress assembled; any Thing herein, or in the said above recited Articles of Confederation contained to the Contrary thereof, in any wise notwithstanding.

Not to be binding till all the other States ratify.

This Proviso is altered 3d Sess. Ch. 30.

CHAP. IV.

An ACT *to remove Doubts concerning the Corporation of the City of* Albany. Passed 17th February, 1778.

Private. Amended 1st Sess. Ch. 30.

CHAP. V.

An ACT *for granting to the Governor the Sum of* Ten Thousand Pounds, *for paying, subsisting and defraying the contingent Expences of the Militia, whenever he shall call them into actual Service.* Passed 21st February, 1778.

Obsolete.

A. D. 1778.
Inde. U. S. II.

Obsolete.

CHAP. VI.

An ACT *for the Distribution of sundry charitable Donations, to certain distressed Inhabitants on the Frontiers of this State.*

Passed 21st February, 1778.

CHAP. VII.

Repealed 11th Sess. Ch. 73. Sec. 2d.

An ACT *requiring all Persons holding Offices or Places under the Government of this State, to take the Oaths therein prescribed and directed.*

Passed 5th March, 1778.

CHAP. VIII.

Repealed 11th Sess. Ch. 73. Sec. 4.

An ACT *for increasing the Number of Assessors throughout this State.*

Passed 12th March, 1778.

CHAP. IX.

Obsolete.

An ACT *to enable his Excellency the Governor to assist the Continental Commissary of Prisoners within this State, with Means to secure the Prisoners of War under his Direction.*

Passed 13th March, 1778.

CHAP. X.

Amended 3d. Sess. Ch. 21.
Repealed 4th Sess. Ch. 2. Sec. 10.

An ACT *to prevent the Exportation of Flour, Meal and Grain, out of this State.*

Passed 14th March, 1778.

CHAP. XI.

Obsolete.

An ACT *to discharge, pardon and remit all Offences, Prosecutions, Convictions, Penalties and Forfeitures, by Virtue of an Act, entitled, An Act for preventing tumultuous and riotous Assemblies in the Places therein mentioned, and for the more speedy and effectual punishing the Rioters.*

Passed 16th March, 1778.

CHAP. XII.

An ACT *to organize the Government of this State.*

Passed 16th March, 1778.

Bill revised by Council of Revision, and by them declared not improper to become a Law, or having laid before them 10 Days without Objection, shall be delivered by the Person administring the Government, with a Certificate indorsed thereon, as the Case may be, to the Secretary of State, who shall deposit and record it; and when a Bill returned for Reconsideration is passed, the President or Speaker, shall deliver it for depositing & recording.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That whenever, and as often as a Bill shall have been revised by the Council, appointed to revise all Bills about to be passed into Laws, by the Legislature (and which Council shall, forever hereafter, be known by the Name of, *The Council of Revision*;) and the said Council shall have thereon declared, that it did not appear to them improper, that the said Bill should become a Law of this State; or if the said Bill shall have been before the said Council, by the Space of Ten Days, and shall not have been returned by the said Council, with their Objections thereto, as by the Constitution of this State is required; whereby the same shall have become a Law of this State, a Certificate thereof as the Case may be, to be subscribed by the Person administring the Government of this State for the Time being, shall be endorsed on such Law: Whereupon the said Person administring the Government, shall, with his own proper Hand deliver such Law to the Secretary of the State, for the Time being, or his sworn Deputy; who shall cause the same

to

A. D. 1778. Inde. U. S. II.

to be depoſited in the Secretary's Office, and recorded in a Book or Books to be kept for that Purpoſe. And that whenever, and as often as a Bill returned by the ſaid Council of Reviſion, to be re-conſidered, ſhall, notwithſtanding, be paſſed into a Law, the Preſident of the Senate, or Speaker of the Aſſembly, in which ſoever the ſame ſhall upon ſuch Re-conſideration laſt paſs, ſhall deliver ſuch Law, with his own proper Hand, to the Secretary of the State for the Time being, or his ſworn Deputy, to be depoſited and recorded as aforeſaid; and the Secretary of the State for the Time being, or his ſworn Deputy, ſhall attend at every Seſſion of the Legiſlature, for the Purpoſe of receiving Laws, to be delivered to him as aforeſaid.

The Secretary or his Deputy, to attend for the Purpoſe.

II. *And whereas* Arms have been deviſed for this State, and two ſeveral Seals have been deviſed and made, one of the ſaid Seals, as and for the Great Seal, and the other, as and for the Privy Seal of this State, (and which ſaid Seals are now in the Cuſtody and Poſſeſſion of his Excellency the preſent Governor;)

Be it therefore further Enacted by the Authority aforeſaid, That the ſaid Arms and Seals ſhall ſeverally be, and they are hereby reſpectively declared to be the Arms, the Great Seal, and the Privy Seal of this State. That the Perſon adminiſtring the Government of this State, for the Time being, ſhall have the Cuſtody and Poſſeſſion of the ſaid Seals. That the ſaid Seal, hereby declared to be the Privy Seal, ſhall be the Seal for military Commiſſions; and all ſuch Matters and Things as heretofore, while this State, as the Colony of *New-York*, was ſubject to the Crown of *Great-Britain*, were iſſued, under the Seal at Arms of the Governor or Commander in Chief of the Colony for the Time being. ſhall iſſue under the ſaid Seal, hereby declared to be the Privy Seal of this State: And that all ſuch Matters and Things, as heretofore, while this State, as the Colony of *New-York*, was ſubject to the Crown of *Great-Britain*, were iſſued under the Great Seal of the Colony, ſhall in future, (the Proceedings in the Court of Chancery herein after mentioned, excepted) iſſue under the ſaid Seal, hereby declared to be the Great Seal of this State; and ſhall be made out and entered of Record, in the Office of Secretary of the State, in the ſame Manner, as when this State, as the Colony of *New-York*, was ſubject to the Crown of *Great-Britain*, the ſame were made out and entered of Record, in the Office of Secretary of the Colony.

Arms and Great and Privy Seal of the State, declared. Who ſhall have Cuſtody of the Seals, and how to be applied.

III. *And be it further Enacted by the Authority aforeſaid*, that the Judge of the Court of Probates of this State, ſhall be veſted with all and ſingular the Powers and Authorities, and have the like Juriſdiction, in Teſtamentary Matters, which, while this State, as the Colony of *New-York*, was ſubject to the Crown of *Great-Britain*, the Governor or Commander in Chief of the Colony, for the Time being, had and exerciſed, as Judge of the Prerogative Court, or Court of Probates of the ſaid Colony: Except as to the Nomination and Appointment of Surrogates in the ſeveral Counties; who ſhall be nominated and appointed by the Council of Appointment, and commiſſioned under the Great Seal: And that all Letters of Adminiſtration, to be granted by the ſaid Judge, and all Citations and other Proceſſes, iſſuing out of the ſaid Court, ſhall run in the Name of the People of this State, and be teſted in the Name of the Judge of the ſaid Court.

Judge of the Court of Probates, Powers declared.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Chancellor, the Judges of the Supreme Court, the Judge of the Court of Admiralty, the Judge of the Court of Probates, and the Judges of the Inferior Courts of Common Pleas in the ſeveral Counties within this State reſpectively ſhall be, and they are hereby reſpectively authoriſed and required, forthwith to cauſe Seals, for the Courts in which they reſpectively are Judges, to be deviſed

The Judges of the four Great Courts, and Judges of Inferior Courts, to have Seals.

A. D. 1778. Inde. *U. S.* II.

The Stile of Proceedings in Chancery and the Supreme Court.

deviſed and made; and that all Commiſſions, Writs, Proceſſes and other Proceedings, which heretofore by the Courſe and Practice of the Court of Chancery, while this State, as the Colony of *New-York*, was ſubject to the Crown of *Great-Britain*, iſſued under the Great Seal, ſhall, in future, iſſue under the ſaid Seal, ſo to be deviſed and made, as and for the Seal of the ſaid Court. That all Proceedings in the Court of Chancery, and all Proceedings in the Supreme Court, which heretofore, while this State, as the Colony of *New-York*, was ſubject to the Crown of *Great-Britain*, were by Law ſuppoſed to be before the King himſelf, ſhall, in future, be before the People of this State.

The Perſon adminiſtring the Government, to deliver Deſcriptions in Writing, of Arms and Seals, and the Judges of the four Great Courts, Devices of their Seals to the Secretary, who ſhall depoſit and record them.

V. *And be it further Enacted by the Authority aforeſaid*, That the Perſon adminiſtring the Government of this State, as ſoon as conveniently may be, after the Publication hereof, ſhall deliver to the Secretary of the State, Deſcriptions in Writing, of the Devices of the ſaid Arms and Seals, hereby declared to be the Arms, Great Seal and Privy Seal of this State; and that the Chancellor, the Judges of the Supreme Court, the Judge of the Court of Admiralty, and the Judge of the Court of Probates, ſhall ſeverally, as ſoon as conveniently may be, after they ſhall have cauſed Seals to be deviſed and made for the Courts in which they reſpectively are Judges, as aforeſaid, deliver to the Secretary of the State, Deſcriptions in Writing, of the ſaid ſeveral Seals; which ſaid ſeveral Deſcriptions in Writing, the ſaid Secretary of the State ſhall depoſit and record in his Office, there to remain as public Records of this State.

Commiſſions, and Law Proceedings good on Paper for one Year after the War.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Commiſſions and Law Proceedings, ſhall, during the preſent War, and for and during the Space of one Year after the Expiration of the ſame, be as valid, legal and effectual, to all Intents and Purpoſes, on Paper, as if the ſame were on Parchment.

Courts of Law to be held on the ſame Days, as in 1774.

See 10th Seſſ. Ch. 50.

The Supreme Court for one Year at ſuch Place as the Perſon adminiſtring the Government ſhall direct.

Altered 8th Seſſ. Ch. 61.

Times and Places of holding Courts of Common Pleas and Seſſions.

Altered 10th Seſſ. Ch. 10.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Supreme Court of Judicature of this State, and the Inferior Courts of Common Pleas, and the Courts of General or Quarter Seſſions of the Peace in the ſeveral Counties within this State, ſhall be held on, and at ſuch *Days* and *Times*, as they were reſpectively held in the Year of our Lord One Thouſand Seven Hundred and Seventy-four. That the ſaid Supreme Court ſhall, for one Year next to come, be held at ſuch *Place* or *Places*, as the Perſon adminiſtring the Government of this State, for the Time being, ſhall, by Proclamation, from Time to Time, appoint and direct; and that all Proceſſes in the ſaid Supreme Court, ſhall be returnable wherever the ſaid Court ſhall be held within this State; and that the ſaid ſeveral Inferior Courts of Common Pleas, and Courts of General or Quarter Seſſions, ſhall be held at the uſual Places, in the reſpective Counties. That all Proceſſes returnable in the Supreme Court, and to be iſſued between the paſſing of this Act, and the next enſuing Term, ſhall be teſted, on the Thirty-firſt Day of *January* laſt paſt; and that all Proceſſes to be iſſued, in the ſeveral Inferior Courts of Common Pleas, between the paſſing of this Act, and the next enſuing Term of each reſpective Court, ſhall be teſted on the Day, which would have been the Teſt had the ſeveral Courts been held uninterruptedly, in Manner heretofore accuſtomed: *Provided nevertheleſs*, That where, by Reaſon of the Invaſion or Ravages of the Enemy, the Inferior Courts of Common Pleas, and Courts of Quarter or General Seſſions of the Peace, in any of the Counties of this State, cannot be held at the uſual Places, it ſhall and may be lawful to and for the Perſon adminiſtring the Government of this State, for the Time being, by Proclamation from Time to Time, to appoint, ſuch other Places for holding the ſaid ſeveral Inferior Courts of Common Pleas, and

Courts

Courts of Quarter or General Seſſions of the Peace, as he ſhall deem moſt convenient, in the reſpective Counties; except in the County of *Charlotte*; and that in the ſaid County, the Inferior Court of Common Pleas, and the Court of Quarter or General Seſſions of the Peace in the ſaid County, ſhall be held at *New-Perth*, in the ſaid County, for three Years next to come, or until the Legiſlature ſhall otherwiſe provide, which ſhall firſt happen.

Secretary, *ex officio*, Clerk of Council of Appointment. Their Acts, Records and Commiſſions, how to be made out.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Secretary of this State, for the Time being, ſhall, *ex officio*, be Clerk of the Council of Appointment, and ſhall exerciſe the ſaid Office in Perſon, or by his ſworn Deputy. That on all Nominations and Appointment to Offices, within this State, by the Council of Appointment, the Order or Orders of the ſaid Council thereupon, ſhall be fairly written, and entered in the Minutes of the Proceedings of the ſaid Council; (which are hereby declared to be public Records of this State) and ſhall be ſubſcribed by ſuch Majority of the ſaid Council as ſhall agree to each reſpective Order. Whereupon the Clerk of the ſaid Council ſhall forthwith cauſe Commiſſions to be made out agreeable to ſuch Orders, and delivered to the Governor for the Time being, in order that the ſame may be ſealed.

How Commiſſions to Delegates in Congreſs to be made out.

IX. *And be it further Enacted by the Authority aforeſaid*, That whenever, and as often as any Delegate or Delegates ſhall be nominated and appointed to repreſent this State in the Congreſs of the United States of *America*, the Preſident of the Senate, and the Speaker of the Aſſembly, ſhall ſeverally deliver to the Perſon adminiſtring the Government of the State for the Time being, Copies of the Reſolutions of the Senate and Aſſembly reſpectively, to be ſigned by the ſaid Preſident of the Senate and Speaker of the Aſſembly reſpectively, relative to ſuch Appointment; and that the Perſon adminiſtring the Government of the State for the Time being, ſhall thereupon order and direct the Secretary of the State to make out a Commiſſion, agreeable to ſuch Proceedings; and ſhall affix the Great Seal of this State to the ſame; and ſhall cauſe ſuch original Commiſſion to be delivered to one of the Perſons named therein, as a Delegate, and an Exemplification of ſuch Commiſſion, under the Great Seal of the State, delivered to each and every Perſon, named in ſuch Commiſſion as a Delegate.

CHAP. XIII.

Obſolete.

An ACT *to procure a Supply of Shoes and Stockings, for the Troops raiſed under the Direction of this State.*

Paſſed 19th March, 1778.

CHAP. XIV.

An ACT *to aſcertain the Places from whence the Milage Fees of the reſpective Sheriffs of the ſeveral Counties in this State, ſhall be computed.*

Paſſed 19th March, 1778.

From what Places Sheriffs to compute Milage on Service of Proceſs.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the paſſing of this Act, the Sheriffs of the reſpective Counties of this State, ſhall compute their Milage Fees, for the Service of all Writs and Proceſs, hereafter by them to be ſerved, and ſubject to the Payment of Milage Fees, from the reſpective Places herein after mentioned, and from no other Places whatſoever; that is to ſay, The Sheriff of the City and County of *New-York*, from the City-Hall of the ſaid City; the Sheriff of *King's* County from the Court-Houſe in the ſaid County; the Sheriff of *Richmond* County from the Court-Houſe in the ſaid County; the Sheriff of the County

A. D. 1778. Inde. U. S. II.

of *Suffolk* from a Path commonly known by the Name of the *Wading River Path*, about ſeven Miles to the Weſtward of the County-Hall, in the ſaid County, at the Junction of the ſaid Path with the Country Road, which paſſes through *Naſſau* Iſland, about the Middle thereof; the Sheriff of *Queen*'s County from a certain Pond, commonly called *Wind-Mill Pond*, near the North Side of *Hempſtead-Plains*; the Sheriff of *Dutcheſs* County from the Houſe wherein *Myndert Vielle*, Eſq; now lives, in *Beekman*'s Precinct; the Sheriff of *Weſtcheſter* County from the Houſe of *William Ogden*, in *North-Caſtle*; the Sheriff of *Orange* County, on the North Side of the Highlands, from the Court-Houſe in the Townſhip of *Goſhen*; and on the South Side of the Highlands from the Court-Houſe in the Precinct of *Haverſtraw*, in the ſaid County; the Sheriff of the County of *Ulſter* from the Houſe of Mrs. *Ann Dubois*, in the Neighbourhood of the *New-Paltz*, in the ſaid County; the Sheriff of the County of *Albany*, from the City-Hall in the City of *Albany*; the Sheriff of the County of *Tryon*, from the Paſs in the Mountain called, *Anthony's Noſe*, in the ſaid County; the Sheriff of the County of *Charlotte*, from the Meeting-Houſe in the Town of *New-Perth*, in the ſaid County; the Sheriff of the County of *Cumberland*, from the Court-Houſe in the ſaid County; and the Sheriff of the County of *Glouceſter*, from the Meeting-Houſe in the Town of *Newbury*, in the ſaid County.

All former Regulations repealed.

II. *And be it further Enacted by the Authority aforeſaid*, That all former Regulations, reſpecting the Places from which the Sheriffs reſpectively were required to compute their Milage, on the Service of Writs or Proceſſes, ſhall be, and they hereby are repealed, annulled and made void; any Thing in any Act or Acts of the Legiſlature of the Colony of *New-York*, contained to the Contrary thereof in any Wiſe notwithſtanding.

CHAP. XV.

Repealed 2d Seſſ. Ch. 26.

An ACT *exempting Perſons from Drafts in the Militia, who ſhall procure others to inliſt in the Continental Regiments, raiſed under the Direction of this State, and for giving Relief in Caſes where two Perſons have jointly procured a Man to inliſt.*

Paſſed 25th March, 1778.

CHAP. XVI.

Repealed 10th Seſſ. Ch. 15. Sec. 26.

An ACT *to regulate Elections within this State.*

Paſſed 27th March, 1778.

CHAP. XVII.

Obſolete.

An ACT *for raiſing Monies to be applied towards the public Exigencies of this State.*

Paſſed 28th March, 1778.

CHAP. XVIII.

Obſolete.

An ACT *for appointing Commiſſioners to take in Subſcriptions on Loan-Office Certificates.*

Paſſed 30th March, 1778.

CHAP. XIX.

Repealed 11th Seſſ. Ch. 73. Sec. 2d.

An ACT *for altering the Judgments heretofore by Law preſcribed againſt Perſons found guilty of High Treaſon and Petty Treaſon; and thoſe who on being arraigned for Treaſon or Felony ſtand mute or refuſe to plead.*

Paſſed 30th March, 1778.

A. D. 1778.
Inde. U. S. II.

CHAP. XX.

An ACT *to enable his Excellency the Governor, out of the Monies heretofore granted to him, to defray the Expence of paying and subsisting such of the Militia as were in Service previous thereto.* Passed 30th March, 1778.

See 1st Sess. Ch. 5. Obsolete.

CHAP. XXI.

An ACT *to authorise the Commitment of Persons that may be apprehended in the Counties of Westchester or Ulster to the Gaols of the Counties of* Dutchess, Orange *or* Albany. Passed 30th March, 1778.

Obsolete.

CHAP. XXII.

An ACT *for raising Seven Hundred Men, to be employed in the Defence of this State.* Passed 31st March, 1778.

Obsolete.

CHAP. XXIII.

An ACT *to empower the Treasurer of this State to pay into the Treasury of the United States of* America; *the Sum therein mentioned.* Passed 1st April, 1778.

Obsolete.

CHAP. XXIV.

An ACT *authorising the Person administring the Government of this State for the Time being, to appoint a Place for the Meeting of the Legislature.* Passed 1st April, 1778.

Obsolete.

CHAP. XXV.

An ACT *to dispense with the usual Mode of administring Oaths, in Favor of Persons having conscientious Scruples respecting the same.* Passed 1st April, 1778.

Preamble.

WHEREAS many of the Inhabitants of this State, have conscientious Scruples about the present Mode of administring Oaths, by laying the Hand on and kissing the Gospels; for the Relief of all such Persons,

Persons having conscientious scruples to be Sworn with uplifted Hand.

Be it Enacted by the People of the State of New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That all and every Person or Persons, empowered to administer Oaths within this State, shall be, and they hereby are empowered, authorised and required, to tender and administer the said Oaths to all such Person or Persons as shall declare they have such conscientious Scruples, in the Form following, *to wit:* The said Person or Persons shall, with his, her or their Hand or Hands uplifted, swear by the ever-living God, and shall not be compelled to lay his, her or their Hand or Hands, on the Gospels, or kiss the same: And that all Oaths to be administered agreeable to the Mode prescribed by this Act, shall be, and the same are hereby declared to be as good, valid and effectual, to all Intents and Purposes, as if the same had been administred by laying the Hand on, and kissing the Gospels. And all Persons who being sworn agreeable to the said Mode, and shall be guilty of false Swearing, or wilful and corrupt Perjury, and be convicted thereof; shall incur and suffer the same Pains, Penalties or Punishments, as if they had been respectively sworn on the Holy Evangelists.

And if guilty of Perjury, to suffer as if sworn on the Gospels.

CHAP. XXVI.

An ACT *to appoint a Treasurer for this State.* Passed 1st April, 1778.

Obsolete.

CHAP.

A. D. 1778. Inde. U. S. II.

Obsolete.

CHAP. XXVII.

An ACT *to enable the Person administring the Government of this State for the Time being, to remove certain disaffected and dangerous Persons and Families.*

Passed 1st April, 1778.

Obsolete.

CHAP. XXVIII.

An ACT *for completing the five Continental Battalions, raised under the Direction of this State.*

Passed 1st April, 1778.

Repealed 12th Sess. Ch. 45. Sec. 2.

CHAP. XXIX.

An ACT *for regulating Impresses of Forage and Carriages, and for billeting Troops within this State.*

Passed 2d April, 1778.

See 1st Sess. Ch. 4. Private.

CHAP. XXX.

An ACT *to amend an Act, Entitled, An* Act *to remove Doubts concerning the Corporation of the City of* Albany.

Passed 2d April, 1778.

* See 1st Sess. Ch. 2. Continued 2d Sess. Ch. 3 and 10. Revived 3d Sess. Ch. 7 and 62. Expired with the War.

CHAP. XXXI.

An ACT *for increasing the *Number of Commissioners, for detecting and defeating Conspiracies within this State.*

Passed 3d April, 1778.

Obsolete.

CHAP. XXXII.

An ACT *to permit the raising a Sum not exceeding Two Thousand Pounds, by way of Lottery, towards re-building the Court-House and Goals, in the County of* Ulster.

Passed 3d April, 1778.

Amended 1st Sess. Ch. 46. 3d Sess. Ch. 13. Expired 3d April, 1780.

CHAP. XXXIII.

An ACT *for regulating the Militia of the State of* New-York.

Passed 3d April, 1778.

Suspended 1st Sess. Ch. 42. Repealed 2d Sess. Ch. 2.

CHAP. XXXIV.

An ACT *to regulate the Wages of Mechanicks and Labourers, the Prices of Goods and Commodities, and the Charges of Innholders within this State, and for other Purposes therein mentioned.*

Passed 3d April, 1778.

Obsolete.

CHAP. XXXV.

An ACT *for the Payment of the Salaries of the several Officers of Government, and for other Purposes therein mentioned.*

Passed 4th April, 1778.

Expired 1st December, 1778.

CHAP. XXXVI.

An ACT *to prevent the spreading of the Small Pox within this State.*

Passed 4th April, 1778.

A. D. 1778. Indc. U. S. II.

LAWS of the State of NEW-YORK,

Passed in the First Session of the Legislature, held at Poughkeepsie, in Dutchess County, by Adjournment.

CHAP. XXXVII.

An ACT *to remove Doubts concerning the Powers of the last Convention and Council of Safety of this State, and to indemnify those who have acted under their Authority respectively.* Obsolete.

Became a Law 21st June, 1778.

CHAP. XXXVIII.

An ACT *to appoint a Commissioner to take the Superintendance of such Poor as were removed out of the City of* New-York, *into* Dutchess *County, and for other Purposes therein mentioned.* Obsolete.

Passed 29th June, 1778.

CHAP. XXXIX.

An ACT *for enabling the Inhabitants in the Eastern District of this State, to elect a Senator, Representatives in Assembly, Supervisors, Assessors and other Town Officers, notwithstanding the several annual Days for electing these Officers have elapsed, and providing a temporary Representation for the Southern District of this State.* Obsolete.

Passed 29th June, 1778.

CHAP. XL.

An ACT *to expedite the Payment of Debts due to this State.* Obsolete.

Passed 29th June, 1778.

CHAP. XLI.

An ACT *for providing the Continental Battalions raised under the Direction of this State, with Accoutrements.* Obsolete.

Passed 29th June, 1778.

CHAP. XLII.

An ACT *for suspending *an Act to regulate the Wages of Mechanicks and Labourers, the Prices of Goods and Commodities, and the Charges of Innholders within this State, and for other Purposes therein mentioned.* * 1st Sess. Ch. 34. Obsolete.

Passed 29th June, 1778.

CHAP. XLIII.

An ACT *to exempt and disqualify all Deserters from the Enemy, not Subjects of any of the United States, from serving in the Militia of this State.* Obsolete.

Passed 29th June, 1778.

A. D. 1778. Inde. U. S. IL

Obſolete.

CHAP. XLIV.

An ACT *for advancing to the ſeveral Perſons, the ſeveral Sums therein mentioned.*

Paſſed 30th June, 1778.

CHAP. XLV.

Obſolete.

An ACT *for ſupplying the Families of the Perſons belonging to the five Battalions of Continental Troops, raiſed under the Direction of this State, and who have engaged in the ſame for three Years, or during the War, with the Neceſſaries of Life, at moderate Prices.*

Paſſed 30th June, 1778.

CHAP. XLVI.

* 1ſt Seſſ. Ch. 33. Expired 3d April, 1780.

An ACT *to amend an Act, entitled,* **An Act for regulating the Militia of the State of* New-York.

Paſſed 30th June, 1778.

CHAP. XLVII.

Amended 2d Seſſ. Ch. 10.

An ACT *more effectually to prevent the Miſchiefs ariſing from the Influence and Example of Perſons of equivocal and ſuſpected Characters in this State.*

Paſſed 30th June, 1778.

Preamble.

WHEREAS certain of the Inhabitants of this State, have, during the Courſe of the preſent cruel War, waged by the King and Parliament of *Great-Britain*, againſt the People of theſe States, affected to maintain a Neutrality, which there is Reaſon to ſuſpect was in many Inſtances dictated by a Poverty of Spirit, and an undue Attachment to Property: *And whereas* divers of the ſaid Perſons, ſome of whom advocated the *American* Cauſe till it became ſerious, have, notwithſtanding the Forbearance of their Countrymen, and contrary to the Faith pledged by their Paroles, ungratefully and inſidiouſly, from Time to Time, by artful Miſrepreſentations, and a ſubtle Diſſemination of Doctrines, Fears and Apprehenſions, falſe in themſelves, and injurious to the *American* Cauſe, ſeduced certain weak-minded Perſons from the Duties they owed their Country: *And whereas* the Welfare of this State, loudly demands that ſome deciſive Meaſures be taken with Reſpect to the ſaid Perſons; and it being repugnant to Juſtice as well as good Policy, that Men ſhould be permitted to ſhelter themſelves under a Government, which they not only refuſed to aſſiſt in rearing, but which, ſome of them daily endeavour to undermine and ſubvert: *And whereas* ſuch few of the ſaid Perſons, as may have been led to take a neutral Part by conſcientious Doubts and Scruples, have had more than ſufficient Time to conſider and determine the ſame;

Commiſſioners of Conſpiracies to cauſe Perſons of neutral and equivocal Characters to take an Oath or Affirmation.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Commiſſioners appointed for inquiring into, detecting and defeating all Conſpiracies, which may be formed in this State, againſt the Liberties of *America*, or any three of them, be, and they hereby are authoriſed and ſtrictly charged and required, to cauſe all ſuch Perſons of neutral and equivocal Characters in this State, whom they ſhall think have Influence ſufficient to do Miſchief in it, to come before them, and to adminiſter to the ſaid Perſons reſpectively, the following Oath, or if of the People called Quakers, Affirmation, *viz.*

I, A. B.

A. D. 1778. Inde. U. S. II.

The Form thereof.

I A. B. *do solemnly, and without any mental Reservation or Equivocation whatever, swear and call God to Witness (or if of the People called Quakers, affirm) That I do believe and acknowledge the State of* New-York *to be, of Right, a Free and Independent State. And that no Authority or Power can, of Right, be exercised in or over the said State, but what is, or shall be granted by or derived from the People thereof.* And further, *That as a good Subject of the said Free and Independent State of* New-York, *I will to the Best of my Knowledge and Ability, faithfully do my Duty; and as I shall keep or disregard this Oath: So help and deal with me Almighty God.*

And on Refusal to send them within the Enemy's Lines.

II. *And be it further Enacted by the Authority aforesaid,* That if on the said Oath or Affirmation being so tendered, the said Person or Persons shall refuse to take the same, the said Commissioners do forthwith remove the said Person or Persons so refusing, to any Place within the Enemy's Lines, and by Writing under their Hands and Seals, certify the Names of such Person or Persons to the Secretary of this State, who is hereby required to record and file the said Certificates.

If any abscond to avoid the Law, notice to be published in one or more of the News-Papers, demanding them to appear.

Default of appearance to be deemed a Refusal to take the Oath.

III. *And be it further Enacted by the Authority aforesaid,* That if any of the said Neutrals shall abscond or absent himself with an apparent View to avoid the Force of this Act, the said Commissioners shall, by Notice published in one or more of the News-Papers of this State, demand of the said Person or Persons, so absconding or absenting, to appear before them, at such Place in this State, and at such Time, not exceeding Twenty-one Days from the Time of such Publication, as they shall assign. *And further,* That Default in such Appearance, shall be adjudged to amount to and is hereby declared to be a Refusal to take the said Oath or Affirmation.

Persons sent within the Enemy's Lines, or not appearing on such Notice; guilty of misprision of Treason if found in the State.

IV. *And be it further Enacted by the Authority aforesaid,* That if any of the Persons removed to Places within the Enemy's Lines by the said Commissioners, in Pursuance of this Act, or, who having as aforesaid, absconded or absented, shall not, on Notice as aforesaid, appear before the said Commissioners, and take the Oath or Affirmation aforesaid, shall thereafter be found in any Part of this State; such Person or Persons so found, shall, on Conviction thereof, be adjudged guilty of Misprision of Treason.

Their Lands charged with double Taxes.

Not to be raised until special Provision be made for the Purpose. 3 Sess. Ch. 47. Sec. 10.

V. *And to the End* that this State may be in some Measure compensated for the Injuries it has sustained, by the evil Example or Practices of the said Neutrals, and that others may be deterred on similar Occasions, from acting a Part so unmanly and ignominious; *Be it further Enacted by the Authority aforesaid,* That all Lands held in this State, on the Twenty-sixth Day of *June* Instant, in Fee Simple, or Fee Tail, or which may hereafter be acquired by, or devised, granted, or descend to any of the Persons who shall refuse to take the aforesaid Oath or Affirmation, when called upon by the said Commissioners, shall forever thereafter be charged with double Taxes, in whosesoever Hands the said Lands may hereafter be.

Commissioners previous to the Removal of such Persons to notify the Governor, who may detain them for Exchange.

VI. *And be it further Enacted by the Authority aforesaid,* That the said Commissioners, previous to the Removal of the several Persons within the Enemy's Lines, shall, from Time to Time, notify the Person administring the Government of this State for the Time being, of the several Persons so to be removed, who is hereby authorised to detain and confine such of the said Persons as he shall think proper, for the Purpose of exchanging them for any of the Subjects of this State in the Power of the Enemy.

The Governor to see this Law executed, and all Magistrates to be aiding therein.

VII. *And be it further Enacted by the Authority aforesaid,* That the Person administring the Government of this State for the Time being, be, and he is hereby required to do his best Endeavours, that this Act be fully and speedily carried into Execution, and all Magistrates, Sheriffs and Constables, are required to be aiding therein.

LAWS

A. D. 1778.
Inde. *U. S.* III.

LAWS of the State of NEW-YORK,

Passed in the Second Session of the Legislature of the said State, held at Poughkeepsie, in Dutchess County.

CHAP. I.

Obsolete. *An* ACT *to enable the Mayor, Aldermen and Commonalty of the City of* Albany, *to order the raising of a Sum not exceeding Four Hundred Pounds, for the Purposes therein mentioned.*

Became a Law 13th October, 1778.

CHAP. II.

*1st Sess. Ch. 34. *An* ACT *to repeal an Act, entitled,* **An Act to regulate the Wages of Mechanicks and Labourers, the Prices of Goods and Commodities, and the Charges of Innholders within this State, and for other Purposes therein mentioned.*

Passed 28th October, 1778.

CHAP. III.

See 1st Sess. Ch. 2 and 31. *An* ACT *for continuing the Powers of the Commissioners, for detecting and defeating Conspiracies.*

Passed 29th October, 1778.

CHAP. IV.

See 1st Sess. Ch. 13. Obsolete. *An* ACT *for procuring a further Supply of Cloathing for the five Continental Battalions, raised under the Direction of this State.*

Passed 30th October, 1778.

CHAP. V.

Repealed 4th Sess. Ch. 2. Sec. 10. *An* ACT *more effectually to provide Supplies of Flour, Meal and Wheat, for the Army.*

Passed 31st October, 1778.

CHAP. VI.

Amended 3d Sess. Ch. 16. 4th Sess. Ch. 12. 5th Sess. Ch. 1. Expired with the War. *An* ACT *to establish a Night Watch in the Counties of* Ulster, Tryon, Charlotte, Dutchess *and* Albany.

Passed 2d November, 1778.

CHAP. VII.

Obsolete. *An* ACT *for the Payment of the several Sums and for other Purposes therein mentioned.*

Passed 4th November, 1778.

LAWS

A. D. 1779.
Inde. U. S. III.

LAWS of the State of NEW-YORK,

Passed in the Second Session of the Legislature, held at Poughkeepsie, in Dutchess County, by Adjournment.

CHAP. VIII.

An ACT *for ascertaining the Mode of appointing the Officers in the Continental Forces raised under the Direction of this State.*

Passed 17th February, 1779.

Obsolete.

CHAP. IX.

An ACT *for pardoning* Amy Auger, *for the Felony therein mentioned.*

Passed 17th February, 1779.

Private.

CHAP. X.

An ACT *to amend an Act, entitled,* **An Act more effectually to prevent the Mischiefs arising from the Influence and Example of Persons of equivocal and suspected Characters in this State, and for continuing the Powers of the Commissioners for detecting and defeating Conspiracies.*

Passed 17th February, 1779.

* 1st Sess. Ch. 47.
Obsolete.

CHAP. XI.

An ACT *to authorize the Person administring the Government of this State for the Time being, to transmit Copies of the Laws of this State, to the Honourable the Congress of the United States, and to the Executive Authority of each of the said United States.*

Passed 17th February, 1779.

Preamble.

WHEREAS an Interchange of the Laws passed and to be passed from Time to Time, in the several United States, may be of public Utility; *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That the Person administring the Government of this State for the Time being, shall be, and he is hereby authorised and required to transmit, from Time to Time, three Copies of all the Laws passed and to be passed by the Legislature of this State, to the Honourable the Congress of the United States, and to the Executive Authority of each of the said United States, and to request a reciprocal Interchange from each of the said States.

The Person administring the Government, to send three Copies of the Laws to the Congress, and to the Executive of each State.

CHAP. XII.

An ACT *for holding Courts of Common Pleas, and of General Sessions of the Peace in the County of* Charlotte.

Passed 17th February, 1779.

Altered 4th Sess. Ch. 26.
Repealed 10th Sess. Ch. 10. Sec. 11.

CHAP. XIII.

An ACT *to revive an Act, authorising the Person administring the Government of this State, for the Time being, to direct the issuing of the several Stores, Clothing and Necessaries, therein specified.*

Passed 17th February, 1779.

See 1st Sess. Ch. 1.
Expired with the War.

A. D. 1779. Inde. U. S. III.

CHAP. XIV.

1st Sess. Ch. 12. Sec. 7. Continued 3d Sess. Ch. 42. Expired 1st Apr. 1782.

An ACT *to continue to the Person administring the Government of this State the Power of appointing the Place for holding the Supreme Court.*

Passed 26th February, 1779.

CHAP. XV.

Further Provision 3d Sess. Ch. 46. Obsolete.

An ACT *to cancel certain Bills of Credit, of this State.*

Passed 26th February, 1779.

CHAP. XVI.

Obsolete.

An ACT *for raising Monies by Tax, to be applied towards the public Exigencies of this State.*

Passed 2d March, 1779.

CHAP. XVII.

Expired 1st March, 1780.

An ACT *to lay a Duty of Excise on strong Liquors, to appropriate the Monies arising therefrom, and for the better Regulation of Inns and Taverns within this State.*

Passed 2d March, 1779.

CHAP. XVIII.

Repealed 4th Sess. Ch. 52. Sec. 2.

An ACT *to prohibit the Distilling of spirituous Liquors from Grain.*

Passed 2d March, 1779.

CHAP. XIX.

Continued and Amended, 3d Sess. Ch. 17. Expired 2d July, 1780.

An ACT *to allow to Sheriffs and Constables an Increase of Fees.*

Passed 2d March, 1779.

CHAP. XX.

Obsolete.

An ACT *to prevent certain Inconveniencies which may result to this State, by Reason that the Emissions of Continental Currency of* May 20*th*, 1777, *and* April 11*th*, 1778, *are called out of Circulation.*

Passed 4th March, 1779.

CHAP. XXI.

Obsolete.

An ACT *for procuring an immediate Supply of Flour for the Army.*

Passed 5th March, 1779.

CHAP. XXII.

An ACT *to enable the Recovery of the Continental Demands, and for punishing the Misbehavior of Persons in Continental Employ.*

Passed 5th March, 1779.

Preamble.

WHEREAS many and great Mischiefs to the general Interest of the United States of *America*, have already arisen and daily do arise, from the Want of an established Mode in this State, for the Recovery of their just Demands, and for punishing by a due Course of Law, such Persons as being Subjects of, or temporary Residents within this State, are guilty of Frauds, or other Abuses and Misdemeanors, in the Service or Employ of the said United States: To remedy those Evils;

I. *Be*

A. D. 1779. Inde. U. S. III.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Congreſs of the ſaid United States ſhall be, and they are hereby authoriſed from henceforth and forever hereafter, by their Attorney or Procurator, to be appointed by their Reſolution or Act, and by and in the Name of the United States of *America*, to ſue, implead and proſecute to final Judgment, Decree and Recovery, with and ſubject to Coſts of Suit, in Caſes wherein by Law Coſts are allowed to or againſt private Perſons, all and all Manner of Suits and Actions, perſonal in any Court of Law or Equity, within this State, againſt any Perſon or Perſons whatſoever; and the ſame to compound, diſcontinue, withdraw or releaſe, as they ſhall think fit; and that in every ſuch Action or Suit at Law, the Defendant or Defendants may either in his, her or their own Right, or as Executor or Adminiſtrator, or Executors or Adminiſtrators, to other or others plead the general Iſſue, and give the ſpecial Matter of his, her or their Defence in Evidence, on giving due Notice thereof in Writing, with the Plea; and ſhall alſo on ſuch Plea and Notice, be allowed to diſcount and ſet off againſt the Plaintiff's Demand, all ſuch Matters and Things, as are now by Law allowed to be diſcounted and ſet off in Caſes wherein private Perſons are both Plaintiff and Defendant in the Suit.

The Congreſs authoriſed by their Attorney or Procurator to proſecute Suits in any Courts within this State.

Defendant may plead the General Iſſue, and give the ſpecial Matter in Evidence, and may diſcount.

II. And for preventing all Frauds, Abuſes and Miſdemeanors from being committed, and for puniſhing for ſuch as have already been committed in their Service by Perſons in their Employ; *Be it Enacted by the Authority aforeſaid,* That all ſuch Frauds, Abuſes and Miſdemeanors, ſhall be deemed, conſtrued and eſteemed in Law, to have been, and to be committed againſt the United States of *America*, and the Offender or Offenders ſhall, for his and their Offences reſpectively, be liable to be proſecuted by Information or Indictment, and convicted for the ſame, as done and perpetrated againſt the ſaid United States, in like Manner as Perſons may by Law, be criminally proſecuted and convicted for Frauds, Abuſes and Miſdemeanors, in any public Office in this State, as done and committed againſt the People of this State.

Mode of puniſhing Frauds committed by Perſons in the Continental Service.

III. *And whereas* there is great Reaſon to believe, that many Perſons employed in the Continental Service, have made it a Practice to apply the public Monies entruſted to them for public Uſe, in their own private Traffic and Commerce, and for their own private Profit and Emolument, whereby the Troops of the United States have been, and are daily reduced to great Extremities, for the Want of Neceſſaries, and the Military Operations of the United States, are thereby greatly obſtructed and impeded; *Be it therefore Enacted by the Authority aforeſaid,* That if any Perſon or Perſons in the Service of the ſaid United States, and entruſted with the public Monies thereof, ſhall, after the Fifteenth Day of *April* next, apply the ſame to any other Uſe or Uſes than ſuch for which the ſame ſhall be, or has been put into his or their Hands, or being thus entruſted, ſhall by himſelf or themſelves, or by other or others, directly or indirectly, carry on any Traffic or Commerce, for his or their own private Emolument, he or they ſo offending ſhall, for every Offence, forfeit the Sum of One Thouſand Pounds, to be recovered with Coſts of Suit, in any Court of Record within this State, by any Perſon who will ſue for the ſame, in his own Name, and the Name of the United States of *America;* the one Moiety of the ſaid Penalty to his own Uſe, and the other Moiety thereof to be paid into the Treaſury of this State, for the Uſe of the ſaid United States. And the Defendant may plead Not Guilty thereon, and give the ſpecial Matter of his Defence in Evidence, and have no Eſſoin, nor any more than one Imparlance; and being convicted in ſuch popular Action, ſhall thenceforth and forever thereafter, be diſabled to hold any Office or Place of Truſt or Profit, under this State.

Penalty on ſuch Perſons miſapplying public Monies.

Or carrying on any Traffic or Commerce for their private Benefit.

On Conviction, the Offender diſabled to hold any Office.

CHAP.

A. D. 1779. Inde. U. S. III.

CHAP. XXIII.

Repealed 11th Seſſ. Ch. 73. Sec. 4.

An ACT *to divide the Diſtrict of the Manor of* Renſſelaerwyck, *in the County of* Albany, *into two Diſtricts.*

Paſſed 5th March, 1779.

CHAP. XXIV.

Repealed 7th Seſſ. Ch. 52. Sec. 32.

An ACT *to amend an Act for the better laying out, regulating and keeping in Repair the public Roads and Highways in the City and County of* Albany, *and County of* Tryon.

Paſſed 5th March, 1779.

CHAP. XXV.

Repealed 11th Seſſ. Ch. 20. Sec. 5.

An ACT *making it Felony without Benefit of Clergy, to counterfeit or to paſs, knowing the ſame to be Counterfeit, any Bills of Credit, emitted by the Authority of the Congreſs of the United States, or by the Authority of this, or any of the United States.*

Paſſed 8th March, 1779.

CHAP. XXVI.

* 1ſt Seſſ. Ch. 15.

An ACT *to repeal an Act, entitled,* * *An Act for exempting Perſons from Drafts in the Militia, who ſhall procure others to inliſt in the Continental Regiments raiſed under the Direction of this State, and for giving Relief in Caſes where two Perſons have jointly procured a Man to enliſt.*

Paſſed 8th March, 1779.

CHAP. XXVII.

Obſolete.

An ACT *to procure a further Supply of Shoes and Stockings for the Troops, raiſed under the Direction of this State.*

Paſſed 8th March, 1779.

CHAP. XXVIII.

See 6th Seſſ. Ch. 44. Obſolete.

An ACT *to prevent Abuſes in Flags of Truce, and for other Purpoſes therein mentioned.*

Paſſed 8th March, 1779.

CHAP. XXIX.

* 1ſt Seſſ. Ch. 22. Obſolete.

An ACT *empowering the Aſſeſſors in the County of* Charlotte, *to make the Aſſeſſments directed by an Act, entitled,* * *An Act for raiſing Seven Hundred Men, to be employed in the Defence of this State.*

Paſſed 9th March, 1779.

CHAP. XXX.

Repealed 9th Seſſ. Ch. 42. Sec. 6.

An ACT *to carry into Execution, certain Reſolutions of Congreſs, making Proviſions for Perſons who may become diſabled while in the Service of the United States.*

Paſſed 10th March, 1779.

CHAP. XXXI.

Repealed 7th Seſſ. Ch. 52. Sec. 32.

An ACT *for the better laying out, regulating and keeping in Repair, all common and public Highways, and private Roads, in the Counties of* Ulſter, Orange, Dutcheſs, Charlotte, *and* Weſtcheſter.

Paſſed 11th March, 1779.

CHAP. XXXII.

See 1ſt Seſſ. Ch. 29. Revived and amended 3d Seſſ. Ch. 4, 11 & 41. and 4th Seſſ. Ch. 8. Expired with the War.

An ACT *to amend an Act for regulating Impreſſes of Forage and Carriages, and for billeting Troops within this State.*

Paſſed 12th March, 1779.

CHAP.

CHAP. XXXIII.

A. D. 1779. Inde. U. S. III.

An ACT *for raising One Thousand Men for the Defence of the Frontiers of this State.*

Passed 13th March, 1779.

Obsolete.

CHAP. XXXIV.

An ACT *for the Payment of the Salaries of the several Officers of Government, and for other Purposes therein mentioned.*

Passed 13th March, 1779.

Obsolete.

LAWS of the State of NEW-YORK,

A. D. 1779. Inde. U. S. IV.

Passed in the Third Session of the Legislature, held at Kingston, in Ulster County.

CHAP. I.

An ACT *for procuring an immediate Supply of Flour and Peas, for the Use of the Army.*

Passed 4th September, 1779.

Amended 3d Sess. Ch. 15. Obsolete.

CHAP. II.

An ACT *for the Appointment of a State Clothier for this State.*

Passed 23d September, 1779.

Obsolete.

CHAP. III.

An ACT *to suspend the Execution of* Jonah Wood, *for the Felony therein mentioned.*

Passed 23d September, 1779.

Private. Pardoned 4 Sess. Ch. 3.

CHAP. IV.

An ACT *to revive and amend an Act, entitled,* ‡ *An Act to amend an Act for regulating Impresses of Forage and Carriages, and for billetting Troops within this State, and for other Purposes therein mentioned.*

Passed 1st October, 1779.

‡ 2d Sess. Ch. 32. See 3d Sess. Ch. 11. Expired 26th February, 1780.

CHAP. V.

An ACT *to enable the Freeholders and Inhabitants of* Rochester *and* Marble-Town, *to elect Constables.*

Passed 1st October, 1779.

Expired 1st September, 1782.

CHAP. VI.

An ACT *to amend and more effectually to carry into Execution an Act, entitled,* ‡ *An Act for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads, in the Counties of* Ulster, Orange, Dutchess, Charlotte *and* Westchester.

Passed 1st October, 1779.

‡ 2d Sess. Ch. 31. Expired 1st January, 1781.

A. D. 1779. Inde. U. S. IV.

See 1st Sess. Ch. 2, and 31. Expired 16th February, 1780.

CHAP. VII.

An ACT *for reviving the Powers of the Commissioners for detecting and defeating Conspiracies, and for other Purposes therein mentioned.*

Passed 1st October, 1779.

Obsolete.

CHAP. VIII.

An ACT *for the Appointment of a Commissioner of the Continental Loan-Office within this State.*

Passed 8th October, 1779.

Obsolete.

CHAP. IX.

An ACT *further to continue the present Treasurer of this State in Office.*

Passed 8th October, 1779.

Private.

CHAP. X.

An ACT *to pardon* Thomas Cummings, *convicted of Treason.*

Passed 8th October, 1779.

CHAP. XI.

‡ 3d Sess. Ch. 4. Obsolete.

An ACT *more effectually to carry into Execution an Act, entitled,* ‡*An* Act *to revive and amend an Act, entitled, An* Act *to amend an Act for regulating Impresses of Forage and Carriages, and for billetting Troops within this State, and for other Purposes therein mentioned.*

Passed 8th October, 1779.

CHAP. XII.

Amended 5th Sess. Ch. 13. Repealed 9th Sess. Ch. 29.

An ACT *making it necessary for the Attornies, Solicitors and Counsellors at Law, who have been licenced to plead or practise in any of the Courts of Law or Equity within the late Colony of* New-York, *to produce Certificates of their Attachment to the Liberties and Independence of* America.

Passed 9th October, 1779.

CHAP. XIII.

‡ 1 Sess. Ch. 33. Expired 3d April, 1780.

An ACT *further to amend an Act, entitled,* ‡*An* Act *for regulating the Militia of the State of* New-York, *and other Purposes therein mentioned.*

Passed 9th October, 1779.

CHAP. XIV.

Obsolete.

An ACT *for removing or destroying the Grain and other vegetable Food, that may be left on any of the deserted Farms, on the Western Frontiers of the Counties of* Ulster *and* Orange.

Passed 13th October, 1779.

CHAP. XV.

‡ 3d Sess. Ch. 1. Obsolete.

An ACT *to amend the* ‡*Act for procuring an immediate Supply of Flour and Peas, for the Use of the Army.*

Passed 13th October, 1779.

CHAP. XVI.

‡ 2d Sess. Ch. 6. Expired with the War.

An ACT *to amend an Act, entitled,* ‡*An* Act *to establish a Night Watch in the Counties of* Ulster, Tryon, Charlotte, Dutchess *and* Albany, *and for extending the same to the Counties of* Westchester *and* Orange.

Passed 13th October, 1779.

CHAP.

A. D. 1779.
Inde. U. S. IV.

CHAP. XVII.

An ACT *to continue and amend an Act, entitled,* ‡ *An Act to allow to Sheriffs and Constables an Increase of Fees.*

Passed 13th October, 1779.

‡ 2d Sess. Ch. 19. Expired 2d July, 1780.

CHAP. XVIII.

An ACT *to remove Doubts respecting the Council of Appointment, nominated and appointed by the present Assembly.*

Passed 13th October, 1779.

Obsolete.

CHAP. XIX.

An ACT *more effectually to prevent Robberies within this State.*

Passed 15th October, 1779.

Revived and amended 3d Sess. Ch. 77. Expired 10th April, 1784.

CHAP. XX.

An ACT *further to adjourn the Supreme Court of this State.*

Passed 15th October, 1779.

Obsolete.

CHAP. XXI.

An ACT *to amend an Act, entitled,* ‡ *An Act to prevent the Exportation of Flour, Meal and Grain, out of this State.*

Passed 20th October, 1779.

‡ 1st Sess. Ch. 10. Obsolete.

CHAP. XXII.

An ACT *for allowing certain Gratuities to the Families of the Continental Troops, raised within this State.*

Passed 20th October, 1779.

Obsolete.

CHAP. XXIII.

An ACT *granting certain Powers to the joint Committees of both Houses of the Legislature, appointed to enquire into the Conduct of the Commissioners of Sequestration, within this State, and for staying all Proceedings at Law, against the said Commissioners.*

Passed 21st October, 1779.

Obsolete.

CHAP. XXIV.

An ACT *to empower the Congress of the United States of America to determine all Controversies relative to certain Lands in the Counties of* Cumberland, Gloucester, Charlotte *and* Albany, *commonly called the* New-Hampshire Grants.

Passed 21st October, 1779.

Repealed in Part 8th Sess. Ch. 4. Sec. 4. The Remainder is obsolete.

CHAP. XXV.

An ACT *for the Forfeiture & Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Respect to all Property within the same.*

Passed 22d October, 1779.

Preamble.

WHEREAS during the present unjust and cruel War, waged by the King of *Great-Britain*, against this State, and the other United States of *America*, divers Persons holding or claiming Property within this State, have voluntarily

A. D. 1779. Inde. U. S. IV.

voluntarily been adherent to the ſaid King, his Fleets and Armies, Enemies to this State, and the ſaid other United States, with Intent to ſubvert the Government and Liberties of this State, and the ſaid other United States, and to bring the ſame in Subjection to the Crown of *Great-Britain*; by Reaſon whereof, the ſaid Perſons have ſeverally juſtly forfeited all Right to the Protection of this State, and to the Benefit of the Laws under which ſuch Property is held or claimed: *And whereas* the public Juſtice and Safety of this State abſolutely require, that the moſt notorious Offenders ſhould be immediately hereby convicted and attainted of the Offence aforeſaid, in order to work a Forfeiture of their reſpective Eſtates, and veſt the ſame in the People of this State: *And whereas* the Conſtitution of this State, hath authoriſed the Legiſlature to paſs Acts of Attainder for Crimes committed before the Termination of the preſent War:

Perſons by Name, *Ipſo Facto*, attainted of the Offence of adhering to the Enemies of the State.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That John Murray, Earl of *Dunmore*, formerly Governor of the Colony of *New-York*; William Tryon, Eſq; late Governor of the ſaid Colony; John Watts, Oliver De Lancey, Hugh Wallace, Henry White, John Harris Cruger, William Axtell and Roger Morris, Eſquires, late Members of the Council of the ſaid Colony; George Duncan Ludlow, and Thomas Jones, late Juſtices of the Supreme Court of the ſaid Colony; John Tabor Kempe, late Attorney-General of the ſaid Colony; William Bayard, Robert Bayard, and James De Lancey, now or late of the City of *New-York*, Eſquires; David Matthews, late Mayor of the ſaid City; James Jauncey, George Folliot, Thomas White, William Mc Adam, Iſaac Low, Miles Sherbrook, Alexander Wallace and John Wetherhead, now or late of the ſaid City, Merchants; Charles Inglis, of the ſaid City, Clerk, and Margaret his Wife; Sir John Johnſon, late of the County of *Tryon*, Knight and Baronet; Guy Johnſon, Daniel Claus, and John Butler, now or late of the ſaid County, Eſquires; and John Jooſt Herkemer, now or late of the ſaid County, Yeoman; Frederick Philipſe, and James De Lancey, now or late of the County of *Weſtcheſter*, Eſquires; Frederick Philipſe, (Son of Frederick) now or late of the ſaid County, Gentleman; David Colden, Daniel Kiſſam, the Elder, and Gabriel Ludlow, now or late of *Queen's* County, Eſquires; Philip Skeene, now or late of the County of *Charlotte*, Eſq; & Andrew P. Skeene, Son of the ſaid Philip Skeene, late of *Charlotte* County; Benjamin Seaman, and Chriſtopher Billop, now or late of the County of *Richmond*, Eſquires; Beverly Robinſon, Beverly Robinſon, the Younger, and Malcom Morriſon, now or late of the County of *Dutcheſs*, Eſquires; John Kane, now or late of the ſaid County, Gentleman; Abraham C. Cuyler, now or late of the County of *Albany*, Eſq; Robert Leake, Edward Jeſſup, and Ebenezer Jeſſup, now or late of the ſaid County, Gentlemen; and Peter Du Bois, and Thomas H. Barclay, now or late of the County of *Ulſter*, Eſquires; Suſannah Robinſon, Wife to the ſaid Beverly Robinſon, and Mary Morris, Wife to the ſaid Roger Morris; John Rapalje, of *King's* County, Eſq; George Muirſon, Richard Floyd, and Parker Wickham, of *Suffolk* County, Eſquires; Henry Lloyd, the Elder, late of the State of *Maſſachuſetts-Bay*, Merchant; and Sir Henry Clinton, Knight, be, and each of them are hereby ſeverally declared to be, *Ipſo Facto*, convicted and attainted of the Offence aforeſaid; and that all and ſingular the Eſtate, both real and perſonal, held or claimed by them the ſaid Perſons ſeverally and reſpectively, whether in Poſſeſſion, Reverſion or Remainder, within this State, on the Day of the paſſing of this Act, ſhall be, and hereby is declared to be forfeited to, and veſted in the People of this State.

Their Eſtates forfeited.

The ſaid Perſons baniſhed from this State.

II. *And be it further Enacted by the Authority aforeſaid*, That the ſaid ſeveral Perſons herein before particularly named, ſhall be, and hereby are declared to be forever baniſhed from this State; and each and every of them, who ſhall

shall at any Time hereafter be found in any Part of this State, shall be, and are hereby adjudged and declared guilty of Felony, and shall suffer Death as in Cases of Felony, without Benefit of Clergy.

A. D. 1779. Inde. U. S. IV.

III. *And to the End*, That for the Purpose aforesaid, Convictions and Attainders for the Offence aforesaid, may, in Pursuance of this Act, be had against other Offenders than those herein before particularly named; *Be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the Grand Jurors at any Supreme Court of Judicature to be held for this State, or at any Court of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions of the Peace, to be held in and for any County within this State, whenever it shall appear to such Grand Jurors, by the Oath of one or more credible Witness or Witnesses, that any Person or Persons, whether in full Life or deceased, generally reputed, if in full Life, to hold or claim, or if deceased, to have held or claimed, at the Time of their Death respectively, real or personal Estate within this State, hath or have been guilty of the Offence aforesaid, to prefer Bills of Indictment against such Persons as shall then be in full Life, for such Offence, and in Relation to the Offence committed by such Persons in their Lives Time, as shall then be deceased, severally and respectively, notwithstanding that such Offence may have been committed elsewhere than in the County for which such Grand Jurors shall be summoned: That in every Indictment to be taken in Pursuance of this Act, the Offence or Offences shall be charged to have been committed in the County where the Indictment shall be taken, notwithstanding such Offence or Offences may have been committed elsewhere; and it shall not be necessary to set forth specially, whether the several Persons charged in such Indictment, were respectively deceased or in full Life, or were reputed to hold or claim real or personal Estate within this State. And on every such Indictment shall be indorsed, that the same was taken in Pursuance of this Act, and the Day when the same was preferred into Court.

For the Purpose of attainting other Offenders,

Courts to take Indictments.

Defects in the Proceedings remedied 5th Sess. Ch. 4.

Convictions confirmed 7th Sess. Ch. 64. Sec. 23.

IV. *And be it further Enacted by the Authority aforesaid*, That whenever and as often as any such Indictment shall be taken, against any Person or Persons, the Sheriffs of the respective Counties, where such Indictments shall be taken, shall forthwith cause Notices thereof, agreeable to such Form as is herein after mentioned, to be published in one or more of the public News-Papers within this State, for at least four Weeks.

When Indictments are taken, Sheriff to publish Notices thereof.

V. *And be it further Enacted by the Authority aforesaid*, That in every Case of a Neglect to appear and traverse agreeable to the Sheriff's Notice, the several Persons charged in such Indictment, whether in full Life or deceased, shall respectively be, and hereby are declared to be, and shall be adjudged guilty of the Offences charged against them respectively. And the several Persons who shall in Pursuance of this Act, either by Reason of such Default, in not appearing and traversing as aforesaid, or upon Trial, be convicted of the Offence aforesaid, shall forfeit all and singular the Estate, both real and personal, whether in Possession, Reversion or Remainder, held or claimed by them respectively, within this State, to the People of this State; and Judgment shall accordingly be awarded in the Supreme Court of this State, against the said Persons respectively. And such Forfeitures, as well of the Estates which were at the Time of their Death, respectively, of Persons deceased, as of Persons in full Life, at the Time of Conviction, shall be deemed to have accrued; and the Estates accordingly attached to and vested in the People of this State, as and from the Day charged in each respective Indictment, most distant from the Day of the taking thereof. *Provided nevertheless*, That where a Trial shall be had upon any such Indictment, the Forfeiture shall in such Case be deemed to have accrued from the

On Neglect to appear and traverse, the Persons charged in the Indictment, to be adjudged guilty.

Forfeiture on Conviction.

Judgment accordingly in the Supreme Court, and when Forfeitures shall be deemed to have accrued.

A. D. 1779. Indep. U. S. IV.

Day to be found by the Verdict of the Jury, by which ſuch Perſons ſhall be reſpectively convicted, moſt diſtant from the Day of the taking of the Indictment; any other Day to be charged in the Indictment notwithſtanding.

Proviſo, in Favor of Perſons pardoned.

And provided further, That the ſeveral Perſons who ſhall have been pardoned in Purſuance of a Declaration or Ordinance of the Convention of this State, paſſed the Tenth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſeven, offering free Pardon to ſuch of the Subjects of the ſaid State, as having committed treaſonable Acts againſt the ſame, ſhould return to their Allegiance; or in Conſequence of any Proclamation or Proclamations, heretofore iſſued by the Commander in Chief of the Army of the United States of *America*, may reſpectively plead their Pardons to Indictments, taken in Purſuance of this Act, in like Manner as they might or could do to Indictments for High Treaſon, taken in the ordinary Courſe of Law.

Proviſo, in Favor of thoſe who ſhall have taken the Oath of Allegiance, before 4th of *April*, 1778.

And provided further, That each and every Perſon, who ſhall at any Time before the Fourth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-eight, have taken the Oath of Allegiance to this State, before the Convention or Councils of Safety of this State; or before the Committee of the ſaid Convention, appointed for enquiring into, detecting and defeating all Conſpiracies, which may be formed in this State, againſt the Liberties of *America*; or the Commiſſioners appointed for the like Purpoſe, or a County, Diſtrict or Precinct Committee; ſhall and may plead ſuch taking the Oath of Allegiance in Bar to any Indictment, to be taken in Purſuance of this Act, for Offences committed before the Day on which they reſpectively took ſuch Oath.

All Indictments on this Law, taken in the other Courts, to be returned into the Supreme Court, and there tried.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Indictments to be from Time to Time taken in Purſuance of this Act, at any Court of Oyer and Terminer, or General Gaol Delivery, or General or Quarter Seſſions of the Peace, ſhall, by the Clerks of the ſaid Courts, reſpectively be returned, under their reſpective Hands and Seals, into the Supreme Court of this State, and ſhall be tried at the Bar of the ſaid Court; and upon the Trial of any ſuch Indictment, no greater Number of Witneſſes ſhall be required than are required by Law in Caſes of Felony, without Benefit of Clergy.

Sheriffs to return the News-Papers in which their Notices ſhall have been publiſhed.

VII. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Sheriffs ſhall, from Time to Time, reſpectively return, under their Hands and Seals, into the Supreme Court of this State, the ſeveral Numbers of the News-Papers containing the Notices publiſhed by them reſpectively, there to remain as Records of ſuch Notices, until Judgments ſhall be had againſt the ſeveral Perſons named in ſuch Notices reſpectively.

To prevent Advantages for Defects of Form,

It ſhall be ſufficient to charge generally in the Indictment an Adherence to the Enemy.

The Grand Jurors to deliver into Court the Examinations of the Witneſſes.

Defendants ſhall have Copies of Indictments and Examinations.

On Trial no Evidence to be given of any *overt* Act not charged in the Examinations.

VIII. *And to the End*, That in Proſecutions for the Offence aforeſaid, in Purſuance of this Act, no Advantage may be taken of mere Matters of Form; and that the Defendants may notwithſtanding be fully apprized of the ſeveral Matters charged againſt them; in order to their Defence, *Be it further Enacted by the Authority aforeſaid*, That it ſhall be ſufficient in all Indictments to be taken for the Offence aforeſaid, in Purſuance of this Act, to charge generally, that the ſeveral Perſons therein charged, did, on the ſeveral Days, and at the ſeveral Places therein mentioned, adhere to the Enemies of this State, and the Grand Jurors ſhall, at the Time they deliver any ſuch Indictment into Court, deliver into Court the Examinations or Depoſitions of the Witneſs or Witneſſes, upon whoſe Teſtimony ſuch Indictment was found, to be filed in Court, together with the Indictment; and the Defendants ſhall reſpectively upon Application, be entitled to Copies of the Indictments againſt them reſpectively, and of ſuch Examinations or Depoſitions; and the Proſecutor on the Part of the State, ſhall not, upon the Trial, be permitted to give Evidence

A. D. 1779.
Inde. *U. S.* IV.

Evidence of any *overt* Acts, other than ſuch as ſhall be charged in ſuch Examinations or Depoſitions; and the Clerks of the ſeveral Courts of Oyer and Terminer, and General Gaol Delivery, and General or Quarter Seſſions of the Peace, ſhall return ſuch Examinations or Depoſitions into the Supreme Court, in like Manner as is herein before directed, with Reſpect to Indictments, taken at the Courts of Oyer and Terminer and General Gaol Delivery, or General or Quarter Seſſions of the Peace.

The Clerks of the other Courts to return the Examinations as well as the Indictments, into the Supreme Court.

IX. *And be it further Enacted by the Authority aforeſaid*, That beſides the ſeveral Matters by the Law of *England*, declared to be Evidence and overt Acts of High Treaſon, in adhering to the King's Enemies, and which are hereby declared to be Evidence and overt Acts of High Treaſon, in adhering to the Enemies of the People of this State as Sovereign thereof; the following Matters ſhall be, and are hereby declared to be Evidence and overt Acts of adhering to the Enemies of the People of this State, whereon and for which Perſons may, in Purſuance of this Act, be indicted and convicted for the Offence aforeſaid; *that is to ſay*, Being at any Time ſince the Ninth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſix, (the Day of the Declaration of the Independence of this State within the ſame) in any Part of the United States, not in the Power or Poſſeſſion of the Fleets or Armies of the King of *Great-Britain*, and afterwards voluntarily withdrawing to any Place within the Power or Poſſeſſion of the King of *Great-Britain*, his Fleets or Armies; or being apprehended by order of, or Authority from the Commander in Chief of the Armies of the ſaid United States; or of or from the Provincial Congreſs, or Conventions or Committees thereof, or Councils of Safety of this State; or the Commiſſioners above mentioned, appointed for enquiring into, detecting and defeating all Conſpiracies which may be formed in this State againſt the Liberties of *America*; or County, Diſtrict, or Precinct Committees within this State; or by the Supreme Executive Authority of this State, and confined within certain Limits upon Engagement, by Parole or otherwiſe, not to go beyond ſuch Limits, and breaking ſuch Engagements, and voluntarily eſcaping to any Place in the Power of the Fleets or Armies of *Great-Britain*; or being ſo confined as aforeſaid, and afterwards permitted by proper Authority, to go to any Place in the Power of the Fleets or Armies of *Great-Britain*, upon Engagement to return within a certain given Time; and not returning within ſuch Time, but afterwards remaining at any Place within the Power or Poſſeſſion of the Fleets or Armies of *Great-Britain*.

What ſhall be deemed Evidence of overt Acts of adhering to the Enemies of this State.

X. *And whereas* divers Perſons, Inhabitants and well affected Subjects of this State, at the Time of the Declaration of the Independence thereof, who had their fixed Reſidence in the Southern Diſtrict of this State, were obliged, on the Invaſion of the ſaid Diſtrict by the Enemy, to fly before their ſuperior Force, into Parts of this, or ſome other or others of the ſaid United States, and ſome of them having thereby abandoned all or the greateſt Part of their Property, were ſo reduced as to have been reſpectively obliged, through abſolute Neceſſity, and the Want of ſufficient Habitations, and the neceſſary Means of Support and Subſiſtence, to return to their reſpective Places of Abode; and others of them, for the ſame Cauſe, having deſerted their Habitations, and fled in Manner aforeſaid, have for particular Reaſons, been permitted, either by the Commander in Chief of the Armies of the ſaid United States, or other lawful Authority, in the Places to which they reſpectively fled, ſo returned within the Power of the Enemy, where they alſo ſeverally ſtill do reſide; *Be it therefore further Enacted by the Authority aforeſaid, and it is hereby provided*, That nothing in this Act contained, ſhall be conſtrued to extend to or affect the ſaid Perſons, ſeverally and reſpectively, or any or either of them, except ſuch of them as ſince his, her or their Return to any Place or Places

Preamble with Reſpect to certain Perſons within the Power of the Enemy.

Exemptions in their Behalf.

A. D. 1779. Inde. U. S. IV.

Places within the Power of the Enemy, has or have done any Act or Thing, which in Judgment of Law would be conſtrued, deemed and adjudged an Adherence to the Enemies of this State, and High Treaſon againſt the People thereof, had ſuch Perſon or Perſons reſpectively, voluntarily and freely, and without any ſuch Cauſe as aforeſaid, returned within the Power of the Enemy. In which Caſe, ſuch Return within the Power of the Enemy, and ſuch Act or Thing as aforeſaid, ſhall in Judgment of Law, be conſtrued, deemed, and is hereby declared to be adjudged an Adherence to the Enemies of the People of this State.

No Attainder on this Law to exempt from Puniſhment in ordinary Courſe.

XI. *And be it further Enacted by the Authority aforeſaid, and it is hereby provided*, That no Conviction or Attainder, in Purſuance of this Act, ſhall be conſtrued to exempt any Perſon or Perſons from being apprehended, tried, convicted, attainted and executed for High Treaſon, according to the ordinary Courſe of Law.

Conveyances ſince 9th *July*, 1776, preſumed fraudulent.

XII. *And be it further Enacted by the Authority aforeſaid*, That all Conveyances and Aſſignments of any real or perſonal Eſtate, made or executed ſince the Ninth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſix, by any or either of the Perſons, who are immediately convicted and attainted by this Act; or any or either of the Perſons who ſhall be convicted or attainted in Purſuance of this Act; or any or either of the Perſons, who ſhall be convicted or attainted of High Treaſon, in the ordinary Courſe of Law, for Offences committed during the preſent War, ſhall be preſumed to be fraudulent, and to have been made with Intent to prevent a Forfeiture of the Eſtates, by ſuch Conveyances or Aſſignments reſpectively intended to be conveyed or aſſigned; and upon every Trial, wherein any ſuch Conveyance or Aſſignment ſhall come in Queſtion, the Burthen of the Proof ſhall lay upon the Perſon or Perſons claiming under ſuch Conveyance or Aſſignment; that the ſame was made and executed *bona fide*, for a valuable Conſideration, and not with Intent to prevent a Forfeiture as aforeſaid.

And Proof of their being otherwiſe to lay upon the Claimant.

Executory Deviſes & contingent Remainders, ſubject to Forfeiture.

XIII. *And be it further Enacted by the Authority aforeſaid*, That all Titles, Eſtates and Intereſts, by executory Deviſe or contingent Remainder, claimed by any Perſon hereby, or by Virtue of this Law to be convicted; ſhall, on Conviction, be as fully forfeited to all Intents, Conſtructions and Purpoſes, in the Law whatſoever, to the People of this State, as any other Titles, Claims, Eſtates or Intereſts whatſoever.

And Lands and Rights of the Crown veſted in the People of this State, and their Sovereignty and Seignory declared.

XIV. *And be it further Enacted by the Authority aforeſaid*, That the abſolute Property of all Meſſuages, Lands, Tenements and Hereditaments, and of all Rents, Royalties, Franchiſes, Prerogative, Privileges, Eſcheats, Forfeitures, Debts, Dues, Duties and Services, by whatſoever Names reſpectively the ſame are called and known in the Law; and all Right and Title to the ſame, which next and immediately before the Ninth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſix, did veſt in, or belong, or was, or were due to the Crown of *Great-Britain*, be, and the ſame, and each and every of them, hereby are declared to be, and ever ſince the ſaid Ninth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-ſix, to have been, and for ever hereafter ſhall be veſted in the People of this State, in whom the Sovereignty and Seignory thereof are and were united and veſted, on and from the ſaid Ninth Day of *July*, in the Year of our Lord one Thouſand Seven Hundred and Seventy-ſix.

Commiſſioners to be appointed for the Sale of forfeited Eſtates, and how they are to proceed.

XV. *And be it further Enacted by the Authority aforeſaid*, That the Perſon adminiſtring the Government of this State for the Time being, ſhall be, and he is hereby authoriſed and required, by and with the Advice and Conſent of the Council of Appointment, to appoint, during the Pleaſure of the ſaid Council

A.D. 1779. Inde. *U. S.* IV.

Amended and altered, 4th Seſſ. Ch. 13 and 51. 5th Seſſ. Ch. 45. 7th Seſſ. Ch. 64.

Council and Commiſſion, under the Great Seal of this State, three Commiſſioners of Forfeitures, for each of the Great Diſtricts of this State. That the ſaid Commiſſioners, or a Majority of them, ſhall be, and hereby are authoriſed and required, from Time to Time, to ſell and diſpoſe of all real Eſtates within their reſpective Diſtricts, forfeited or to be forfeited to the People of this State, at public Vendue, to the higheſt Bidder or Bidders; and in ſuch Parcels as they ſhall from Time to Time think proper, firſt giving eight Weeks Notice of each Sale, in one or more of the public News-Papers in this State, containing a Deſcription as to the Quantity, by Eſtimation, of the Lands or Tenements to be ſold, the Situation thereof, and the Name or Names of the Perſon or Perſons, by the Conviction and Attainder of whom the ſaid Lands or Tenements are deemed to have become forfeited; and to make, ſeal and deliver to the Purchaſer or Purchaſers reſpectively, good and ſufficient Deeds and Conveyances, in the Law, to veſt the ſame in them reſpectively, and their reſpective Heirs and Aſſigns, upon ſuch Purchaſer or Purchaſers reſpectively producing ſuch Receipt from the Treaſurer, as is herein after mentioned. That every ſuch Purchaſer and Purchaſers, ſhall by Virtue of ſuch Deeds and Conveyances, reſpectively, be ſo veſted in Title, Seiſin and Poſſeſſion of the Lands and Tenements ſo purchaſed, as to have and maintain in his, her or their Name or Names, any Action for Recovery thereof, or Damages relating thereto; any actual Seiſin or Poſſeſſion thereof, in any other Perſon or Perſons, notwithſtanding. That every ſuch Deed and Conveyance, ſhall be deemed to operate as a Warranty from the People of this State, to the Purchaſer or Purchaſers reſpectively, and their reſpective Heirs and Aſſigns, for the Lands or Tenements thereby reſpectively, granted and conveyed, againſt all Claims, Titles and Incumbrances whatſoever; and ſuch Purchaſer or Purchaſers reſpectively, and their reſpective Heirs and Aſſigns, ſhall in Caſe of Eviction, have ſuch Remedy and Relief upon ſuch Warranty, in ſuch Manner as ſhall be more particularly provided for in ſuch future Act or Acts of the Legiſlature, as are herein after mentioned. *Provided*, That the ſaid Commiſſioners ſhall not be authoriſed to ſell any Lands, in larger Parcels than the Quantity of five Hundred Acres in each Parcel; that no more than one Farm ſhall be included in one and the ſame Sale; and that the Sales ſhall be made in the County where the Lands or Tenements to be ſold, reſpectively lie. *And provided further*, That nothing in this Law contained, ſhall be conſtrued, deemed, eſteemed or adjudged, to authoriſe the Commiſſioners to be appointed by Virtue hereof, to make Sale of any of the Lands, Meſſuages, Tenements or Hereditaments hereby forfeited, or by Virtue hereof to become forfeited, before or until the firſt Day of *October* next; and that all ſuch Sales ſhall be, and the ſame hereby are wholly prohibited until that Day.

Powers given Commiſſioners by this Act repealed 7th Seſſ. Ch. 64. Sec. 54.

No Sales to be made before 1ſt October, 1780. Altered 3d Seſſion Ch. 51.

XVI. *And whereas* it is impoſſible at preſent to form an Eſtimate of what will be a proper Compenſation to the ſaid Commiſſioners, for their Services and Expences in executing the Buſineſs hereby committed to them: *Be it therefore further Enacted by the Authority aforeſaid*, That the public Faith of this State ſhall be, and hereby is pledged to the ſaid Commiſſioners, for ſuch Allowance and Compenſation to them for their Services and Expences (beſides the Expences of Surveyors, Clerks, and other incidental Charges) as ſhall hereafter by the Legiſlature, be deemed juſt and reaſonable.

The Commiſſioners to be paid for their Services and Expences.

XVII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this ſtate ſhall be, and he is hereby authoriſed, out of the Monies which now are, or hereafter may be in the Treaſury, to advance to the ſaid Commiſſioners for each Diſtrict, a Sum not exceeding Two Thouſand Pounds, to defray the Expence of the Buſineſs hereby committed to them.

The Treaſurer to advance 2000l. to the Commiſſioners of each Diſtrict.

XVIII. *And whereas* in many Inſtances, Lands, the Reverſion or Remainder whereof is, or may become forfeited to this State, are poſſeſſed by Tenants

A. D. 1779. Inde. *U. S.* IV.

Proviſion in Favor of Tenants of forfeited Lands.

who have, at conſiderable Expence, made or purchaſed the Improvements on the ſame, and which Tenants have conſtantly, uniformly and zealouſly, ſince the Commencement of the preſent War, endeavoured to defend and maintain the Freedom and Independence of the United States; *Be it therefore further Enacted by the Authority aforeſaid*, That where Lands, the Reverſion or Remainder whereof is hereby, or may become forfeited to the People of this State, ſhall be poſſeſſed by any Tenant of the Character above deſcribed, and who or whoſe Anceſtor, Teſtator or Inteſtate, ſhall have made or purchaſed the Improvements on the ſame, they ſhall continue in Poſſeſſion at their former Rents, and be at Liberty as heretofore, to transfer their Improvements, until the Fee Simple of the ſaid Lands ſhall be ſold, they paying their reſpective Rents, and the preſent Arrearages thereof in Money, equal to the current Prices of the Articles of Produce, in which their Rents were heretofore paid, into the Treaſury of this State; if ſuch Rents were reſerved in Produce or if reſerved in Money, then in ſo much Money, as will be equivalent to the Price of Wheat at Seven Shillings per Buſhel; and that when the Fee Simple of the ſaid Lands ſhall be ſold by the Commiſſioners, to be appointed in Purſuance of this Act, they ſhall cauſe ſuch Lands to be appraiſed by three Appraiſers, at what ſhall be deemed the then preſent Value thereof, excluſive of the Improvements thereon, at the Time of appraiſing; That one of the ſaid Appraiſers ſhall be elected by the Commiſſioners, another by the Tenant claiming the Benefit intended by this Clauſe, and the third by the ſaid other two Appraiſers; That the ſaid Appraiſers, previous to the making of ſuch Appraiſment, ſhall each of them take an Oath, and which Oath the ſaid Commiſſioners are hereby authoriſed to adminiſter, well and truly to appraiſe the Lands held by ſuch Tenant, at what ſhall be deemed the then Value thereof, excluſive of the Improvements thereon; and upon Payment into the Treaſury by ſuch Tenant, of the Sum at which ſuch Lands ſhall be ſo appraiſed, within three Months after the making of ſuch Appraiſment, together with all Arrearages of Rents then due thereon; the Commiſſioners ſhall convey the Lands ſo appraiſed to ſuch Tenant, in like Manner as if ſuch Lands had been ſold at public Vendue, and ſuch Tenant had appeared, and been the higheſt Bidder for the ſame; *Provided*, That no Perſon being a Tenant himſelf, or of Affinity or Conſanguinity to the Tenant, requiring ſuch Appraiſement to be made, ſhall be an Appraiſer.

How Tenants to avail themſelves of the above Proviſion.

XIX. And in Order that the Commiſſioners may be enabled to determine, who are the proper Objects of the Benefit intended by the aforegoing Clauſe; *Be it further Enacted by the Authority aforeſaid*, That no Tenant ſhall be entitled to ſuch Benefit, unleſs he or ſhe ſhall, within one Month after the ſame ſhall be required of him or her by the ſaid Commiſſioners, produce to them a Certificate, to be ſubſcribed by at leaſt twelve reputable Inhabitants of the County, of known and undoubted Attachment to the American Cauſe, to be approved of by the Commiſſioners, and which Inhabitants ſhall ſeverally declare upon Oath, the Truth of the Matter by them certified, before a Juſtice of the Peace of the County, who is hereby authoriſed to adminiſter ſuch Oath, certifying, that ſuch Tenant, hath conſtantly and uniformly, ſince the ſaid ninth Day of *July*, One Thouſand Seven Hundred and Seventy-ſix, demeaned himſelf or herſelf, as a Friend to the Freedom and Independence of the United States; and hath, as far forth as his or her Circumſtances would admit, taken an active and deciſive Part, to maintain and promote the ſame.

Memorandums in Writing to be made of all Sales.

XX. *And be it further Enacted by the Authority aforeſaid*, That whenever the ſaid Commiſſioners ſhall within their reſpective Diſtricts, make Sale of any Lands, either at public Vendue, or upon ſuch Appraiſment as aforeſaid, and the Commiſſioners and the Perſon or Perſons to whom ſuch Sale ſhall be made, having reciprocally ſubſcribed a Memorandum or Note, in Writing,

of

of ſuch Sale; the Commiſſioners ſhall immediately thereupon, give to the Perſon or Perſons, to whom ſuch Sale ſhall be made, a Certificate thereof, to contain the Sum for which the Lands purchaſed by ſuch Perſon or Perſons were ſold; and if ſuch Sale was made upon ſuch Appraiſment, then alſo of the Arrearages of Rent due on ſuch Lands. That the ſaid Perſon or Perſons to whom ſuch Certificates ſhall be given, ſhall, within three Months from the Date thereof, pay into the Treaſury of this State, the Sums in ſuch Certificates reſpectively ſpecified; and the Treaſurer is hereby required and authoriſed to receive the ſame, and to give to the ſaid Perſon or Perſons paying, duplicate Receipts for the Monies by them reſpectively paid; and the ſeveral Perſons to whom ſuch Receipts ſhall be given, ſhall, upon their reſpectively producing and lodging with the ſaid Commiſſioners one of the ſaid Receipts, be entitled to Deeds and Conveyances for the Lands by them reſpectively purchaſed.

Commiſſioners to ſue Purchaſers for Non-performance of Contracts.

XXI. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners for the reſpective Diſtricts, ſhall and may, in their own Names, commence and proſecute any Suit upon a Contract, for the Sale of any Eſtate againſt any Perſon or Perſons who ſhall have ſubſcribed ſuch Note or Memorandum in Writing thereof as aforeſaid; and all Damages which ſhall be recovered by the ſaid Commiſſioners in ſuch Suits, ſhall be by them paid into the Treaſury of this State.

All Purchaſes made by, or for Commiſſioners, declared void.

Each Commiſſioner to take an Oath.

XXII. *And be it further Enacted by the Authority aforeſaid*, That all Purchaſes made at ſuch Vendues by the ſaid Commiſſioners, or any or either of them, or by any other Perſon, to or for the Uſe of them, or any or either of them, ſhall be null and void; and that each Commiſſioner, before he enters upon the Execution of his Office, ſhall appear before one of the Judges of any of the Counties within the Diſtrict for which ſuch Commiſſioner ſhall be appointed, and take and ſubſcribe the following Oath; which ſuch Judge is hereby authoriſed and required to adminiſter, *viz.*

Form of the Oath.

I A. B. *appointed a Commiſſioner of Forfeitures, for the Diſtrict, do ſolemnly and ſincerely ſwear and declare, in the Preſence of Almighty God, that I will faithfully and honeſtly execute the ſaid Office, in ſuch Manner as I ſhall conceive moſt for the Benefit and Advantage of the People of this State, according to the true Intent and Meaning of an Act, entitled,* An *Act* for the Forfeiture and Sale of the Eſtates of Perſons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Reſpect of all Property within the ſame."

No Lands to be ſold while in the Power of the Enemy.

XXIII. *And be it further Enacted by the Authority aforeſaid, and it is hereby provided*, That the ſaid Commiſſioners ſhall not be authoriſed to ſell any Lands which at the Time of the Sale thereof, ſhall be within the Power of the Enemy, any Thing herein before mentioned notwithſtanding.

The Treaſurer in his Accounts of Monies ariſing by Sales to ſpecify to whom the Eſtates reſpectively belonged.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this State ſhall, in his Accounts of the Monies ariſing by the Sales of forfeited Eſtates, ſpecify the Names of the ſeveral Perſons to whom the ſeveral Eſtates immediately before the Forfeiture therof were deemed to belong, as the ſame ſhall appear from the Certificate of the Commiſſioners; *To the End*, That when the Legiſlature ſhall by future Act or Acts, to be paſſed for the Purpoſe, provide for the Payment of the Debts due from the ſaid Perſons reſpectively, the Amount of the Monies ariſing from the Sales of their reſpective Eſtates, may with the greater Eaſe be aſcertained.

Forms of the ſeveral Proceedings on this Law.

XXV. *And be it further Enacted by the Authority aforeſaid*, That the Forms of the ſeveral Proceedings to be had in Purſuance of this Act, and of the Deeds or Conveyances to be executed by the Commiſſioners to be appointed in Purſuance of this Act, ſhall be as follows, *that is to ſay*,

Form

A.D. 1779. Inde. U. S. IV.

Form of Sheriffs Notice.

Form of the Notices by the Sheriff.

" State of *New-York*, ſs. By Eſq; Sheriff of the County of

WHEREAS at a Supreme Court of Judicature," *or* " Court of Oyer and Terminer and General Gaol Delivery," *or* " Court of General Seſſions of the Peace," *or* " Court of Quarter Seſſions of the Peace, (as the Caſe may be)—*(here inſert the Name or Names of the Perſon or Perſons indicted, with their reſpective Additions)* was" *or* " were ſeverally (as the Caſe may be) indicted for adhering to the Enemies of the People of this State. Theſe are therefore to notify the ſaid *(here inſert the Name of the Perſon indicted)* if he" *or* " ſhe (as the Caſe may be) ſhall, at the Expiration of the Time for that Purpoſe herein after limited, be in full Life; and all Perſons claiming any Eſtate or Intereſt under him" *or* " her, (as the Caſe may be) if he" *or* " ſhe (as the Caſe may be) ſhall, at the Expiration of the ſaid Time be deceaſed, that unleſs he" *or* " ſhe (as the Caſe may be) if in full Life as aforeſaid, do perſonally appear in the Supreme Court of Judicature of this State, within the Time herein after limited, and traverſe the ſaid Indictment" *or* " Indictments, (as the Caſe may be) or if the ſaid *(here inſert the Name of the Perſon indicted)* ſhall be deceaſed; that unleſs ſome or one of the ſaid ſeveral Perſons ſo claiming an Eſtate or Intereſt as aforeſaid, do perſonally, or if Feme Coverts, inſane, or within Age reſpectively, do by their ſeveral and reſpective Barons, Guardians, or next Friends, reſpectively, appear in the ſaid Supreme Court, on or before the fourth Day after the firſt Day of the ſecond Term next ſucceeding the Day of the Date of this Notice, and traverſe the ſaid Indictment" *or* " Indictments, (as the Caſe may be) the ſaid *(here inſert the Name of the Perſon indicted)* will be adjudged if in full Life, guilty, or if deceaſed, to have been at the Time of his" *or* " her (as the Caſe may be) Death, guilty of the Offence" *or* " Offences (as the Caſe may be) charged againſt him" *or* " her (as the Caſe may be,) and that all and ſingular the real and perſonal Eſtate within this State, held or claimed by him" *or* " her (as the Caſe may be) if in full Life as aforeſaid, or which were held or claimed by him" *or* " her, (as the Caſe may be) at the Time of his" *or* " her (as the Caſe may be) Death, (if deceaſed as aforeſaid, will) be forfeited to the People of this State;" *or if more than one Perſon ſhall be indicted, then,* " Theſe are therefore to notify ſuch of the ſaid ſeveral Perſons who ſhall, at the Expiration of the Time for that Purpoſe herein after limited, be in full Life; and all Perſons claiming any Eſtate or Intereſt, under ſuch of the ſaid Perſons above named, who ſhall at the Expiration of the ſaid Time be deceaſed; that unleſs they the ſaid ſeveral Perſons above named, who ſhall be ſo in full Life, do perſonally appear in the Supreme Court of this State, within the Time herein after limited, and traverſe the Indictment" *or* " Indictments (as the Caſe may be) againſt them reſpectively; and that unleſs ſome or one of them the ſaid ſeveral Perſons, claiming any Eſtate or Intereſt as aforeſaid, do perſonally, or if Feme Coverts, inſane, or within Age, do by their reſpective Barons, Guardians or next Friends, appear in the ſaid Supreme Court, on or before the fourth Day after the firſt Day of the ſecond Term next ſucceeding the Day of the Date of this Notice, and traverſe the Indictment" *or* " Indictments (as the Caſe may be) againſt the Perſons reſpectively, under whom they reſpectively ſo claim, they the ſaid ſeveral Perſons above named, will be adjudged, if in full Life, guilty, or if deceaſed, to have been at the Time of their Death reſpectively, guilty of the Offence" *or* " Offences (as the Caſe may be) charged againſt them reſpectively; and that all and ſingular the real and perſonal Eſtate within this State, held or claimed by ſuch of the ſaid Perſons reſpectively who ſhall be in full Life as aforeſaid, or which were held or claimed at the Time of their Death reſpectively, by ſuch of the ſaid Perſons as ſhall be deceaſed, will be forfeited to the People of this State.

Given under my Hand the Day of in the Year of the Independence of the ſaid State,

A. B. Sheriff."

The

The Form of a Record where Judgment shall be entered by Default.

" *New-York*, Supreme Court, ss. Of the Term of *(here insert the Term in which Judgment shall be awarded)* in the Year of the Independence of this State.

Form of Record of Judgment by Default.

BE IT REMEMBERED, That on the *(here insert the Day and Year when the Indictment was preferred into Court)* the Jurors of the People of this State, for the Body of the County of *(here insert the Name of the County where the Indictment was taken)* did upon their Oath present, that *(here insert the Residue of the Indictment, as far as the same shall relate to the Person or Persons against whom Judgment shall be entered)* and the said *(here insert the Name or Names of the Person or Persons charged in the Indictment, and against whom Judgment is to be entered)* having according to the Form of the Act of the Legislature, entitled, " *An* Act *for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Respect to all Property within the same,*" been notified to appear and traverse the said Indictment, and not having appeared and traversed within the Time, and in the Manner, in and by the said Act limited and required, it is therefore considered, that the said *(here insert the Name or Names of the Person or Persons charged in the Indictment, and against whom Judgment is to be entered)* do forfeit," *or if more than one Person,* " severally forfeit all and singular the Estate, both real and personal, whether in Possession, Reversion or Remainder, held or claimed by him" *or* " her" *or* " them respectively (as the Case may be) within this State, to the People of this State."

Form of a Record where a Trial shall be had.

Form of Record on a Trial.

" *New-York*, Supreme Court, ss. OF the Term (and so on, as in the Case of a Record where Judgment shall be entered by Default, to the End of the Indictment) and the said *(here insert the Name of the Person who shall appear and traverse)* appearing here in Court in his own proper Person, on the *(here insert the Day of the Month when the Person shall appear in Court and traverse)* in this present Term, *(or if of a preceding Term, then)* in the Term of *(here insert the Term)* in the Year of the Independence of this State. And saith, that he is not guilty of the Offence" *or* " Offences (as the Case may be) in the said Indictment, charged against him" *or* " her, (as the Case may be) and of this he" *or* " she (as the Case may be) puts himself" *or* " herself" (as the Case may be) upon the Country, and who prosecutes for the People of this State in this Behalf, in like Manner, &c." *And so on, as nearly similar as may be, to the Form of a Record of a Trial, at the Bar of the Supreme Court, in a Case of Felony, without Benefit of Clergy.* That the Judgment, in Case of Conviction, shall be the same with the Form contained in the Form of the Record of a Judgment by Default.

The Form of a General Verdict.

Form of a general Verdict.

AFTER the Word *Oath*, " do say that the said (*here insert the Name of the Person charged*) is guilty of the several Offences charged against him" *or* " her (as the Case may be) *or* not guilty of the several Offences charged against him" *or* " her (as the Case may be) (*or if guilty only of certain of the Offences charged in the Indictments, and not guilty of other, or others of them, then*) is not guilty of the Offence" *or* " the several Offences (as the Case may be) charged in the said Indictment to have been committed on (*then insert the Day and Year when the Offence or Offences* (as the Case may be) *is or are charged to have been committed*) but guilty of the Offence" *or* " Offences (as the Case may be) charged to have been committed on the (*here insert the Day and Year when the Offence or Offences* (as the Case may be) *of which the Person charged in the Indictment shall be convicted, were committed.*)

THE Form of the Judgment shall be the same with the Form of the Judgment where Judgment shall be entered by Default.

A. D. 1779. Inde. U. S. IV.

Form of Conveyance.

Form of the Conveyance from the Commiſſioners.

"THIS INDENTURE, made the Day of in the Year of the Independence of the State of *New-York*, and in the Year of our Lord between Eſquires, Commiſſioners of Forfeitures, for the Diſtrict, appointed in Purſuance of an Act of the Legiſlature of the ſaid State, entitled, *An* Act *for the Forfeiture and Sale of the Eſtates of Perſons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Reſpect to all Property within the ſame*," of the one Part, and of the other Part; Witneſſeth, That the ſaid Commiſſioners, by Virtue of the Power and Authority to them, in and by the ſaid Act granted, and for, and in Conſideration of the Sum of by the ſaid paid into the Treaſury of the ſaid State, have granted, bargained, ſold, enfeoffed and confirmed; and by theſe Preſents do grant, bargain, ſell, enfeoff and confirm, unto the ſaid and Heirs and Aſſigns, all *(here deſcribe the Lands or Tenements to be conveyed)* and all and ſingular the Eſtate, Right, Title and Intereſt, whether in Poſſeſſion, Reverſion, or Remainder of, in or to the ſaid Premiſes, which, in Conſequence of any Conviction or Attainder, is become forfeited, attached, or veſted in, or to the People of the ſaid State. TO HAVE AND TO HOLD, all and ſingular the ſaid Premiſes, hereby granted, bargained, ſold, enfeoffed and confirmed, with the Appurtenances, unto the ſaid and Heirs and Aſſigns, to the only proper Uſe and Behoof of the ſaid and Heirs and Aſſigns forever. In Witneſs whereof, the ſaid Parties to theſe Preſents have hereunto interchangeably ſet their Hands and Seals, the Day and Year firſt above written."

Forms of Proceedings not hereby particularly preſcribed, to be ſimilar to thoſe in Caſes of Felony, without Benefit of Clergy.

AND that all the Forms of Proceedings in Proſecutions, for the Offence aforeſaid, to be had in Purſuance of this Act, other than ſuch as are hereby otherwiſe ſpecially directed, ſhall be as nearly as may be, ſimilar to the Forms of the Proceedings in Caſes of Felony without Benefit of Clergy, except, that the Word or Words "Offence" *or* "Offences" (as the Caſe may be) ſhall be uſed inſtead of the Word or Words "Felony" *or* "Felonies;" and

On Traverſe by the Repreſentatives of Perſons deceaſed, Proceedings ſhall be the ſame as if the Perſon was living.

that where a Traverſe ſhall be put in by any Perſon or Perſons, claiming any Eſtate or Intereſt under a Perſon deceaſed as aforeſaid, all and ſingular the Proceedings and Proceſſes, ſhall, notwithſtanding, be of the ſame Form, as if the reſpective Perſons, charged in the ſeveral Indictments, had been ſeverally in full Life, and had in their own reſpective proper Perſons, appeared and traverſed; and for Want of ſuch Traverſe, as if ſuch Perſon had made Default in full Life.

Repreſentatives on Affidavit of Intereſt, to be admitted to traverſe,

XXVI. *And be it further Enacted by the Authority aforeſaid*, That each and every Perſon or Perſons, claiming an Eſtate or Intereſt under any Perſon deceaſed, ſhall and may, upon Affidavit of ſuch Claim, and of the Death of the Perſon, under whom ſuch Claim ſhall be made, to be read and filed in Court, be admitted to traverſe the Indictments againſt the Perſons under whom they ſo reſpectively claim. That in every Caſe of ſuch Traverſe as laſt aforeſaid, no Trial ſhall be had thereon, until after the Expiration of the Time herein before limited for putting in ſuch Traverſe. That where two or more Perſons ſhall appear at one and the ſame Time, and produce ſuch Affidavit, and thereupon apply to be admitted to traverſe, the Court may compel ſuch Perſons to join in the Traverſe; and that where any Perſon or Perſons, ſo claiming as aforeſaid, ſhall have been admitted to traverſe, and ſhall have traverſed accordingly, and any other Perſon or Perſons ſhall afterwards apply to be admitted to traverſe, the Perſon or Perſons ſo afterwards applying, having reſpectively produced ſuch Affidavit of a Claim as aforeſaid, ſhall upon the Trial of ſuch Traverſe, be permitted to employ Counſel,

And where two or more ſeparately offer to traverſe, the Court may compel them to join.

After Traverſe any other Perſon applying on Affidavit, may be admitted to join in the Defence.

produce

produce Witneſſes, ſue forth Subpœnas, for the Attendance of Witneſſes, croſs examine the Witneſſes on the Part of the State, and do every other Act and Thing, in and about a Defence, in like Manner, and as fully as the Perſon or Perſons by whom the Traverſe ſhall have been put in.

A. D. 1779. Inde. U. S. IV.

CHAP. XXVI.

An ACT *for the Appointment of a Commiſſary of Priſoners for this State.* Paſſed 22d October, 1779.

Repealed 6th Seſſ. Ch. 47. Sec. 5.

CHAP. XXVII.

An ACT *for raiſing the Sum of* 2,500,000 *Dollars by Tax, within this State.* Paſſed 23d October, 1779.

Obſolete.

CHAP. XXVIII.

An ACT *to provide for the temporary Government of the Southern Parts of this State, whenever the Enemy ſhall abandon or be diſpoſſeſſed of the ſame, and until the Legiſlature can be convened.* Paſſed 23d October, 1779.

Supplementary Act, 6th Seſſ. Ch. 54. Obſolete.

CHAP. XXIX.

An ACT *to appoint Commiſſioners to repreſent this State, in any Treaty of Pacification that may be had with any of the Nations of Indians therein mentioned.* Paſſed 23d October, 1779.

Obſolete.

CHAP. XXX.

A Supplementary Act to an Act, entitled, ‡ *An* Act *of Acceſſion to, and Approbation of certain propoſed Articles of Confederation and perpetual Union, between the United States of* America, *and to authorize the Delegates of the State of* New-York *to ratify the ſame on the Part and Behalf of this State, in the Congreſs of the ſaid United States.* Paſſed 23d October, 1779.

‡ 1ſt Seſſ. Ch. 3.

WHEREAS in and by a certain Act of the Legiſlature of this State of *New-York*, entitled, "*An* Act *of Acceſſion to, and Approbation of certain propoſed Articles of Confederation and perpetual Union, between the United States of* America, *and to authorize the Delegates of the State of* New-York, *to ratify the ſame on the Part and Behalf of this State, in the Congreſs of the ſaid United States*;" among other Things, reciting certain Articles of Confederation and perpetual Union, between the States of *New-Hampſhire, Maſſachuſetts-Bay, Rhode-Iſland* and *Providence-Plantations, Connecticut, New-York, New-Jerſey, Pennſylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina* and *Georgia*, tranſmitted by the Honorable Congreſs of the United States of *America*, for the Conſideration of the Legiſlature of this State, and for their Ratification, in Caſe they ſhould approve of the ſame, *It is Enacted*, That the ſaid ſeveral Articles of Confederation, and all and ſingular the Matters, Clauſes and Things in the ſame contained, be, and the ſame are thereby fully accepted, received and approved of, for and in Behalf of the People of this State: *And to the End*, That the ſame might, with all due Form and Solemnity, be ratified and confirmed by this State in Congreſs; *It is thereby further Enacted*, That the Delegates of this State, in the ſaid Congreſs of the United States of *America*, or any two of the ſaid Delegates ſhould be, and thereby are fully authoriſed, empowered and required, wholly, intirely and abſolutely, for and in Behalf of the People of this State, and in ſuch Manner, and under ſuch Formalities, as

Preamble, reciting in Part the Act for ratifying the Confederation on the Part of this State.

And that by the ſaid Act the Articles of Confederation were approved of, and that the Delegates of this State in Congreſs were thereby authoriſed to ratify the ſame.

A. D. 1779. Inde. U. S. IV.

With Proviſo not to be binding on this State, until ratified by all the other States.

as ſhall be determined in Congreſs, to ratify and confirm all and every the ſaid Articles of Confederation, and all and ſingular the Clauſes, Matters and Things therein contained; *Provided always*, That nothing in that Act, or the ſaid therein recited Articles of Confederation contained, nor any Act, Matter or Thing, to be done and tranſacted by the Delegates of this State in Congreſs, in and concerning the Premiſes, or any Part thereof, ſhould bind or oblige, or be conſtrued, deemed or eſteemed to bind or oblige the Government, Legiſlature, People, Subjects, Inhabitants or Reſidents of this State, until the ſaid above recited Articles of Confederation ſhall have been ratified and confirmed, by or in Behalf of all the ſaid United States in Congreſs aſſembled, as by the ſaid Act, Relation thereunto being had, may more fully appear. *And whereas* it may become eſſential to the permanent Welfare and Security of theſe United States, that the ſaid Articles of Confederation and perpetual Union, ſhould be ratified and carried into Effect, by ſuch of the ſaid States as have acceded or ſhall accede thereto, although the ſame ſhould not receive the immediate Approbation and Sanction of all; *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That full Power and Authority ſhall be, and is hereby granted to the Delegates of this State, in the Congreſs of the United States of *America*, or any three of them; and the ſaid Delegates, or any three of them, are hereby accordingly authoriſed and empowered, for and in Behalf of this State, to unite for the final Accompliſhment of the ſaid Confederation and perpetual Union, with ſuch and ſo many of the Delegates of the ſaid United States reſpectively, who may for that Purpoſe be lawfully authoriſed, as they ſhall in their Wiſdom judge proper and competent for mutual Defence and permanent Security; and thereupon in ſuch Manner, and under ſuch Formalities as may be deemed expedient, ſhall ratify and confirm all and every the ſaid Articles of Confederation and perpetual Union. And this State, and the Inhabitants and Reſidents within the ſame, ſhall at all Times thereafter, be bound by, and held to the due Obſervance of the ſaid Articles, and every Clauſe thereof, as long as the ſaid Confederation ſhall ſubſiſt and endure; any Thing in the ſaid recited Act of the Legiſlature of this State, or in the ſaid Articles of Confederation, to the Contrary notwithſtanding.

Power given to any three of the Delegates to unite with any of the other States conſenting, and lawfully authoriſed, for final Accompliſhment of the Confederation,

And to ratify and confirm the ſame in Form.

Which ſhall be binding on this State as long as the Confederation ſhall endure.

CHAP. XXXI.

Obſolete.

An ACT *to provide for the Payment of certain contingent Expences of this State.*

Paſſed 25th October, 1779.

A. D. 1780. Inde. U. S. IV.

LAWS of the State of NEW-YORK,

Paſſed in the Third Seſſion of the Legiſlature, held at the City of Albany, by Adjournment.

CHAP. XXXII.

Obſolete.

An ACT *to authorize the Production of certain original Papers lodged in the Secretary's Office, on the hearing of the Controverſies reſpecting the Boundaries of the State.*

Paſſed 9th February, 1780.

CHAP. XXXIII.

Private. Pardoned 4th Seſſ. Ch. 3.

An ACT *granting a further Reprieve to* Jonah Wood, *convicted of Murder.*

Paſſed 9th February, 1780.

CHAP.

A. D. 1780.
Inde. *U. S.* IV.

CHAP. XXXIV.

An ACT *more effectually to supply the Army with Flour.*
Passed 12th February, 1780.

Obsolete.

CHAP. XXXV.

An ACT *to facilitate Supplies for the Army of the United States within this State.* Passed 12th February, 1780.

Obsolete.

CHAP. XXXVI.

An ACT *to annex the Lands belonging to the Corporation of the Reformed Protestant Dutch Church of* Schenectady, *and the Settlement called* Corys Brook, *now in the Districts of* Half Moon, *and the United Districts of* Schohary *and* Duanesburgh, *to the District of* Schenectady.
Passed 12th February, 1780.

Repealed 11th Sess. Ch. 73. Sec. 4.

CHAP. XXXVII.

An ACT *to revive the Courts of Common Pleas, and General Sessions of the Peace, and to continue the Processes in the late Court of Common Pleas, in the County of* Dutchess. Passed 14th February, 1780.

Obsolete.

CHAP. XXXVIII.

An ACT *to facilitate the Completion of the Articles of Confederation and perpetual Union among the United States of* America.
Passed 19th February, 1780.

See 1st Sess. Ch. 3.

Preamble,

Reciting the Motives of the State for passing this Act.

WHEREAS nothing under Divine Providence, can more effectually contribute to the Tranquillity and Safety of the United States of *America*, than a federal Alliance on such liberal Principles as will give Satisfaction to its respective Members; *And whereas* the Articles of Confederation and perpetual Union, recommended by the Honourable Congress of the United States of *America*, have not proved acceptable to all the States, it having been conceived, that a Portion of the waste and uncultivated Territory within the Limits or Claims of certain States, ought to be appropriated, as a common Fund for the Expences of the War: And the People of this State of *New-York*, being, on all Occasions, disposed to manifest their Regard for their Sister States, and their earnest Desire to promote the general Interest and Security, and more especially to accelerate the federal Alliance, by removing, as far as it depends upon them, the before mentioned Impediment to its final Accomplishment;

A Majority of the Delegates of this State in Congress to limit and restrict the Western Boundaries thereof in such Manner & Form as they shall judge expedient.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful, to and for the Delegates of this State, in the Honourable Congress of the United States of *America*, or the major Part of such of them as shall be assembled in Congress; and they the said Delegates, or the major Part of them, so assembled, are hereby fully authorised and empowered, for and on Behalf of this State, and by proper and authentic Acts or Instruments, to limit and restrict the Boundaries of this State in the Western Parts thereof, by such Line or Lines, and in such Manner and Form, as they shall judge to be expedient, either with Respect to the Jurisdiction, as well as the Right or Pre-emption of Soil; or reserving the Jurisdiction in Part, or in the Whole, over the Lands which may be ceded or relinquished, with Respect only to the Right or Pre-emption of the Soil.

A. D. 1780. Inde. U. S. IV.

The Territory to be ceded, to enure to the Uſe of ſuch of the United States only as ſhall become Members of the federal Alliance.

II. *And be it further Enacted by the Authority aforeſaid*, That the Territory which may be ceded or relinquiſhed by Virtue of this Act, either with Reſpect to the Juriſdiction as well as the Right or Pre-emption of Soil, or the Right or Pre-emption of Soil only; ſhall be, and enure for the Uſe and Benefit of ſuch of the United States, as ſhall become Members of the federal Alliance of the ſaid States, and for no other Uſe or Purpoſe whatſoever.

The Lands to be ceded, to be diſpoſed of as Congreſs ſhall direct.

III. *And be it further Enacted by the Authority aforeſaid*, That all the Lands to be ceded and relinquiſhed by Virtue of this Act, for the Benefit of the United States, with Reſpect to Property; but which ſhall nevertheleſs remain under the Juriſdiction of this State, ſhall be diſpoſed of and appropriated in ſuch Manner only, as the Congreſs of the ſaid States ſhall direct; and that a Warrant, under the Authority of Congreſs, for ſurveying and laying out any Part thereof, ſhall entitle the Party, in whoſe Favour it ſhall iſſue, to cauſe the ſame to be ſurveyed, and laid out, and returned, according to the Directions of ſuch Warrant; and thereupon, Letters patent under the Great Seal of this State, ſhall paſs to the Grantee for the Eſtate ſpecified in the ſaid Warrant; for which, no other Fee or Reward ſhall be demanded, or received, than ſuch as ſhall be allowed by Congreſs.

Three Delegates at leaſt, to be preſent in Congreſs to execute this Truſt.

IV. *Provided always, and be it further Enacted by the Authority aforeſaid*, That the Truſt repoſed by Virtue of this Act, ſhall not be executed by the Delegates of this State, unleſs, at leaſt three of the ſaid Delegates ſhall be preſent in Congreſs.

CHAP. XXXIX.

Expired 11th Auguſt, 1780.

An ACT *for compelling the Attendance of Perſons not belonging to the Army, as Witneſſes at Courts Martial, and Courts of Enquiry.*

Paſſed 19th February, 1780.

CHAP. XL.

Expired 1ſt March, 1781.

An ACT *to regulate Inns and Taverns within this State.*

Paſſed 21ſt February, 1780.

CHAP. XLI.

See 1ſt Seſſ. Ch. 29. 2d Seſſ. Ch. 32. Revived and continued 4th Seſſ. Ch. 8. Expired with the War.

An ACT *to revive, continue, and farther amend the ſeveral Laws relative to impreſſing Teams, Forage, Timber and Fuel, billeting Troops, and preventing Deceit in making Flour Caſks within this State.*

Paſſed 26th February, 1780.

CHAP. XLII.

See 1ſt Seſſ. Ch. 12. Sec. 7. 2d Seſſ. Ch. 14. Expired 1ſt April, 1782.

An ACT *further to continue to the Perſon adminiſtring the Government of this State, the Power of appointing the Place for holding the Supreme Court.*

Paſſed 26th February, 1780.

CHAP. XLIII.

This Act was not to take Effect until certain other States ſhould paſs Laws for the like Purpoſe, which they never did.

An ACT *for a general Limitation of Prices, and to prevent engroſſing and withholding within this State.*

Paſſed 26th February, 1780.

CHAP. XLIV.

Amended and continued 4th Seſſ. Ch. 9 and 21. Repealed 5th Seſſ. Ch. 36. Sec. 11.

An ACT *to empower Juſtices of the Peace, Mayors, Recorders and Aldermen to try Cauſes to the Value of One Hundred Pounds and under, and for ſuſpending an Act therein mentioned.*

Paſſed 26th February, 1780.

CHAP.

CHAP. XLV.

A. D. 1780.
Inde. U. S. IV.

An ACT *to increase the Number of Collectors in the Counties of* Albany, Ulster *and* Orange.

Passed 1st March, 1780.

Repealed 11th Sess. Ch. 73. Sec. 4.

CHAP. XLVI.

An ACT *to cancel the defaced Bills of Credit of this State.*

Passed 1st March, 1780.

Obsolete.

CHAP. XLVII.

An ACT *for raising the Sum of* 5,000,000 *of Dollars by Tax within this State, and for other Purposes therein mentioned.*

Passed 6th March, 1780.

[*This Act, except the* 10*th Section, is obsolete.*]

X. AND in Order to remove Doubts respecting the Taxes charged on Lands of Persons who have been removed within the Enemy's Lines; *Be it further Enacted by the Authority aforesaid, and it is hereby declared,* That until the Legislature shall make special Provision for collecting the double Taxes charged on the Lands of Persons who have been removed within the Enemy's Lines in Pursuance of the ‡ *Act more effectually to prevent the Mischiefs arising from the Influence and Example of Persons of equivocal and suspected Characters, in this State,* passed the Thirtieth Day of *June,* One Thousand, Seven Hundred and Seventy-eight, no Lands shall be assessed at an higher than the usual Rate, by Reason that such Lands may be deemed to belong to Persons so removed within the Enemy's Lines as aforesaid.

Lands of Persons sent within the Enemy's Lines, not to be double taxed until further Provision.

‡ 1st Sess. Ch. 47.

CHAP. XLVIII.

An ACT *to empower the Judges of the Supreme Court, and Courts of Oyer and Terminer, to enlarge or discharge Accessaries, who shall on voluntarily submitting to Trial be acquitted previous to the Conviction of all the Principals.*

Passed 6th March, 1780.

Expired 6th March, 1781.

CHAP. XLIX.

An ACT *to alter the Terms of the Courts of Common Pleas and General Sessions of the Peace in the County of Tryon.*

Passed 8th March, 1780.

Repealed 10th Sess. Ch. 10. Sec. 11.

CHAP. L.

An ACT *to ascertain the Division Line between the District of* Half Moon *and the West District of* Rensselaerwyck, *and for dividing* Mohawk *District in the County of* Tryon *into two Districts.*

Passed 9th March, 1780.

Repealed 11th Sess. Ch. 73. Sec. 4.

CHAP. LI.

An ACT *for the immediate Sale of Part of the forfeited Estates.*

Passed 10th March, 1780.

Obsolete.

CHAP. LII.

An ACT *for the Appointment of Commissioners of Sequestration, in Cases of Vacancies in that Office, and for other Purposes therein mentioned.*

Passed 11th March, 1780.

Obsolete.

CHAP.

A. D. 1780. Inde. U. S. IV.

Obsolete.

CHAP. LIII.

An ACT *to raise Troops for the Defence of the Frontiers.*

Passed 11th March, 1780.

Supplementary Act, 3d Sess. Ch. 66. Obsolete.

CHAP. LIV.

An ACT *to provide the Troops of this State in the Service of the United States, with Clothing and other Necessaries.*

Passed 11th March, 1780.

Expired 1st March, 1782.
Revived and continued 5th Sess. Ch. 27. Sec. 49.
Expired 1st June, 1782.

CHAP. LV.

An ACT *for regulating the Militia of the State of* New-York.

Passed 11th March, 1780.

Revived and amended 4th Sess. Ch. 1.
Explained 5th Sess. Ch. 14.
Expired with the War.

CHAP. LVI.

An ACT *for the more speedy Trial of Felonies without Benefit of Clergy, for subjecting the Accessaries to such Felonies to a like Punishment with the Principals, and for the Trials of such Accessaries although the Principals may not be convicted.*

Passed 11th March, 1780.

Obsolete.

CHAP. LVII.

An ACT *to raise a Sum not exceeding Fifteen Hundred Pounds in the East District of the Manor of* Rensselaerwyck, *in the County of* Albany, *for the Purposes therein mentioned.*

Passed 11th March, 1780.

Expired 1st August, 1780.

CHAP. LVIII.

An ACT *to authorize any two Justices of the Peace to enlarge Persons who shall desert from the Enemy, and for other Purposes therein mentioned.*

Passed 13th March, 1780.

Obsolete.

CHAP. LIX.

An ACT *for relieving certain Persons in the County of* Westchester, *against the Penalty contained in a Resolution of Convention, passed the 27th of* December, 1776, *requiring the Inhabitants of the said County to take an Oath of Allegiance.*

Passed 13th March, 1780.

---

‡ 2d Sess. Ch. 31.
Continued & amended 4th Sess. Ch. 34.
Expired 1st April, 1784.

CHAP. LX.

An ACT *further to amend* ‡ *An Act for the better laying out, regulating and keeping in Repair all common and publick Highways and private Roads in the Counties of* Ulster, Orange, Dutchess, Charlotte, *and* Westchester, *passed the 11th Day of* March 1779, *and for extending the same to the Counties of* Albany *and* Tryon.

Passed 13th March, 1780.

Obsolete.

CHAP. LXI.

An ACT *for the Payment of certain contingent Expences of this State.*

Passed 13th March, 1780.

A.D. 1780.
Inde. *U. S.* IV.

LAWS of the State of NEW-YORK,

Passed in the Third Session of the Legislature, held at Kingston, in Ulster County, by Adjournment.

CHAP. LXII.

An ACT *to revive the Laws appointing Commissioners for detecting and defeating Conspiracies.*
Passed 14th June, 1780.

See 1st Sess. Ch. 2 and 31.
Repealed 6th Sess. Ch. 51.

CHAP. LXIII.

An ACT *granting a further Reprieve to* Jonah Wood, *convicted of Murder.*
Passed 14th June, 1780.

Private.
Pardoned 4th Sess. Ch. 3.

CHAP. LXIV.

An ACT *approving of the Act of Congress of the 18th Day of* March, 1780, *relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit to be emitted in Pursuance of the said Act of Congress.* Passed 15th June, 1780.

Supplementary Act, 3d Sess. Ch. 72.
Suspended in Part 4th Sess. Ch. 43.
Obsolete.

CHAP. LXV.

An ACT *to enable the Inhabitants of* Schenectady *to erect a Fortress therein.*
Passed 23d June, 1780.

Obsolete.

CHAP. LXVI.

A supplementary ACT *to the Act, entitled,* ‡ *An* Act *to provide the Troops of this State in the Service of the United States, with Clothing and other Necessaries.*
Passed 23d June, 1780.

‡ 3d Sess. Ch. 54.
Obsolete.

CHAP. LXVII.

An ACT *authorizing the Person administring the Government of this State to grant Warrants of Impress.*
Passed 23d June, 1780.

Continued 4th Sess. Ch. 6 and 42.
Expired 1st January, 1782.

CHAP. LXVIII.

An ACT *for defraying the contingent Charges and maintaining the Poor in the Counties of* Ulster, Orange, Westchester, Tryon *and* Charlotte.
Passed 23d June, 1780.

Repealed 9th Sess. Ch. 56. Sec. 11.
11th Sess. Ch. 62. Sec. 38.

CHAP. LXIX.

An ACT *to procure Supplies for the Use of the Army, and to prevent a Monopoly of Cattle within this State, and more effectually to prevent Supplies of Cattle to the Enemy.*
Passed 24th June, 1780.

Obsolete.

CHAP. LXX.

An ACT *for raising Levies to reinforce the Army of the United States.*
Passed 24th June, 1780.

Obsolete.

A. D. 1780. Inde. *U. S.* IV.

Expired 30th June, 1785.

CHAP. LXXI.

An ACT *granting to* Henry Gueſt, *the excluſive Right of manufacturing and vending a certain Species of Blubber and Oyl within this State.*

Paſſed 30th June, 1780.

CHAP. LXXII.

‡ 3d Seſſ. Ch. 64. Obſolete.

A ſupplementary ACT *to the Act, entitled,* ‡ *An* Act *approving of the Act of Congreſs of the* 18*th Day of* March, 1780, *relative to the Finances of the United States, and making Proviſion for redeeming the Proportion of this State of the Bills of Credit to be emitted in Purſuance of the ſaid Act of Congreſs.*

Paſſed 30th June, 1780.

CHAP. LXXIII.

Obſolete.

An ACT *to provide for the Payment of certain Monies taken on Loan by this State.*

Paſſed 30th June, 1780.

CHAP. LXXIV.

Repealed 12th Seſſ. Ch. 45. Sec. 2.

An ACT *to provide Paſturage for the Uſe of the Army.*

Paſſed 30th June, 1780.

CHAP. LXXV.

Obſolete.

An ACT *ſubjecting all Perſons who ſhall come out from the Enemy and ſecretly lurk in any Part of this State, to Trials by Courts Martial as Spies.*

Paſſed 30th June, 1780.

CHAP. LXXVI.

Obſolete.

An ACT *for the Removal of the Families of Perſons who have joined the Enemy.*

Paſſed 1ſt July, 1780.

CHAP. LXXVII.

‡ 3d Seſſ. Ch. 19. Repealed 7th Seſſ. Ch. 17.

An ACT *to revive and amend an Act, entitled,* ‡ *An* Act *more effectually to prevent Robberies within this State.*

Paſſed 1ſt July, 1780.

CHAP. LXXVIII.

Obſolete.

An ACT *to compleat the Continental Battalions raiſed under the Direction of this State.*

Paſſed 1ſt July, 1780.

CHAP. LXXIX.

Obſolete.

An ACT *for the Payment of the Salaries of the ſeveral Officers of Government, and of certain Debts due from this State.*

Paſſed 1ſt July, 1780.

A.D. 1780.
Inde. U. S. V.

LAWS of the State of NEW-YORK,

Passed in the Fourth Session of the Legislature, held at Poughkeepsie, in Dutchess County.

CHAP. I.

An ACT *to revive and amend an Act, entitled,* ‡ *An Act for the more speedy Trial of Felonies without Benefit of Clergy; for subjecting the Accessaries to such Felonies, to a like Punishment with the Principals, and for the Trials of such Accessaries, although the Principals may not be convicted.*

Passed 21st September, 1780.

‡ *3d Sess. Ch. 56. Expired with the War.*

CHAP. II.

An ACT *more effectually to draw forth the Quota of Supplies allotted to this State; to procure further Supplies, and to repeal the* ‡ *Laws prohibiting the Exportation of Flour, Meal and Grain out of this State, and the Purchases of Flour, Meal and Wheat, with Intent to be sold again.*

Passed 22d September, 1780.

Obsolete.
‡ *1st Sess. Ch. 10. 2d Sess. Ch. 5.*

CHAP. III.

An ACT *to pardon* Jonah Wood *for the Felony therein mentioned.*

Passed 22d September, 1780.

Private.

CHAP. IV.

An ACT *to raise Troops for the further Defence of the Frontiers, and for other Purposes therein mentioned.*

Passed 29th September, 1780.

Obsolete.

CHAP. V.

An ACT *for the Relief of certain distressed Families therein mentioned.*

Passed 30th September, 1780.

Supplementary Act, 4th Sess. Ch. 38. Expired 1st May, 1782.

CHAP. VI.

An ACT *to continue an Act, entitled,* ‡ *An Act authorizing the Person administring the Government of this State to grant Warrants of Impress.*

Passed 30th September, 1780.

‡ *3d Sess. Ch. 67. Further continued, Ch. 42. Expired 1st Jan. 1782.*

CHAP. VII.

An ACT *to liquidate and settle the Accounts of the Troops of this State, in the Service of the United States.*

Passed 4th October, 1780.

Obsolete. See 11th Sess. Ch. 95. Sec. 2.

CHAP. VIII.

An ACT *to revive and farther to continue and amend the several* ‡ *Laws, relative to the Impresses of Teams, Forage, Timber and Fuel, for the Use of the Army.*

Passed 5th October, 1780.

‡ *2d Sess. Ch. 32. and 3d Sess. Ch. 41. Expired with the War.*

CHAP.

A. D. 1780.
Inde. U. S. V.

CHAP. IX.

‡ 3d Seſſ. Ch. 44. Repealed 5th Seſſ. Ch. 36. Sec. 11.

An ACT *to amend an Act, entitled,* ‡ *An Act to empower Juſtices of the Peace, Mayors, Recorders and Aldermen, to try Cauſes to the Value of One Hundred Pounds, and under; and for ſuſpending an Act therein mentioned.*

Paſſed 5th October, 1780.

CHAP. X.

Obſolete.

An ACT *to expedite the Payment of Taxes.*

Paſſed 7th October, 1780.

CHAP. XI.

Obſolete.

An ACT *to procure a Sum in Specie for the Purpoſe of redeeming one ſixth Part of the Bills emitted on the Credit of this State, purſuant to the Act of Congreſs of the 18th Day of* March, 1780, *for diſcharging the Intereſt of ſuch Bills, and for other Purpoſes therein mentioned.*

Paſſed 7th October, 1780.

‡ 2d Seſſ. Ch. 6. 3d Seſſ. Ch. 16. Repealed 5th Seſſ. Ch. 1. Sec. 2.

CHAP. XII.

An ACT *to amend the* ‡ *Laws relative to a Night Watch.*

Paſſed 7th October, 1780.

Repealed as to the Power of the Commiſſioners, 7th Seſſ. Ch. 64. Sec. 54. And the Remainder of the Act is obſolete.

CHAP. XIII.

An ACT *for the Amendment of the Law directing the Sales of forfeited Lands.*

Paſſed 7th October, 1780.

CHAP. XIV.

Amended 4th Seſſion, Ch. 18. Obſolete.

An ACT *to complete the Quota of the Troops of this State, to ſerve in the Army of the United States during the War.*

Paſſed 9th October, 1780.

CHAP. XV.

Obſolete.

An ACT *authorizing certain Perſons to make Contracts on Behalf of this State, with reſpect to Proviſions to be procured within the ſame, for public Uſes.*

Paſſed 10th October, 1780.

Suſpended 4th Seſſ. Ch. 43 & 62. 5th Seſſ. Ch. 5. Repealed 5th Seſſ. Ch. 37. Sec. 12.

CHAP. XVI.

An ACT *for raiſing by Tax, a Sum equal to* 150,000 *Dollars in Specie.*

Paſſed 10th October, 1780.

CHAP. XVII.

Obſolete.

An ACT *to provide for the Payment of certain contingent Expences of this State.*

Paſſed 10th October, 1780.

A.D. 1781.
Inde. U. S. V.

LAWS of the State of NEW-YORK,

Passed in the Fourth Session of the Legislature, held at the City of Albany, by Adjournment.

CHAP. XVIII.

An ACT *to amend an Act, entitled,* ‡ *An* Act *to complete the Quota of the Troops of this State, to serve in the Army of the United States during the War.*

Passed 21st February, 1781.

‡ 4th Sess. Ch. 14. Obsolete.

CHAP. XIX.

An ACT *for the better establishing the Rate of Exchange between the Bills emitted upon the Credit of this State, pursuant to the Act of Congress of the 18th of* March, 1780, *and the Continental Currency theretofore issued.*

Passed 22d February, 1781.

Obsolete.

CHAP. XX.

An ACT *for the Appointment of Commissioners to procure Monies on Loan, and Clothing for the Use of this State.*

Passed 7th March, 1781.

Repealed as to specific Tax, 8th Sess. Ch. 16. Sec. 27. And the Remainder is obsolete.

CHAP. XXI.

An ACT *further to continue and amend an Act, entitled,* ‡ *An* Act *to empower Justices of the Peace, Mayors, Recorders and Aldermen, to try Causes to the Value of One Hundred Pounds and under, and for suspending an Act therein mentioned.*

Passed 7th March, 1781.

‡ 3d Sess. Ch. 44. Repealed 5th Sess. Ch. 36. Sec. 11.

CHAP. XXII.

An ACT *to extend to the several Persons therein named the Benefit of the* ‡ *Law for making Compensation to the Troops for the Depreciation of their Pay, and for other Purposes therein mentioned.*

Passed 9th March, 1781.

‡ 4th Sess. Ch. 7. Obsolete.

CHAP. XXIII.

An ACT *to raise Troops for the immediate Defence of the State.*

Passed 10th March, 1781.

Obsolete.

CHAP. XXIV.

An ACT *more effectually to collect the Deficiencies in Assessments of Wheat, and to lay an Embargo on the Exportation of Flour, Meal and Wheat, out of this State.*

Passed 10th March, 1781.

Explained 4th Sess. Ch. 29. Repealed as to Embargo, 4th Sess. Ch. 52. And the Remainder is obsolete.

CHAP. XXV.

An ACT *for the better Determination of personal Actions, depending upon Accounts.*

Passed 12th March, 1781.

Repealed 11th Sess. Ch. 73. Sec. 2.

A. D. 1781. Inde. U. S. V.

CHAP. XXVI.

An ACT *to continue the Proceſſes and alter the Terms of the Courts of Common Pleas and General Seſſions of the Peace in the County of* Charlotte.

Paſſed 12th March, 1781.

Repealed as to the Terms of the Courts, 10th Seſſ. Ch. 10. Sec. 11. The Remainder of this Act is obſolete.

CHAP. XXVII.

An ACT *to lay a Duty of Exciſe on ſtrong Liquors, to appropriate the Monies ariſing therefrom, and for the better Regulation of Inns and Taverns within this State.*

Paſſed 14th March, 1781.

Amended 6th Seſſ. Ch. 22. Extended to the City of New-York, *7th Seſſ. Ch. 37. Expired 1ſt March, 1788.*

CHAP. XXVIII.

An ACT *for relieving ſuch Perſons as have manifeſted their Attachment to the Cauſe of the United States, and whoſe Sons have joined the Enemy, from the Penalties of a* ‡ *Law therein mentioned.*

Paſſed 15th March, 1781.

‡ *4th Seſſ. Ch. 14. Obſolete.*

CHAP. XXIX.

An ACT *to explain the Act, entitled,* ‡ *An* Act *more effectually to collect the Deficiencies in Aſſeſſments of Wheat; and to lay an Embargo on the Exportation of Flour, Meal and Wheat, out of this State.*

Paſſed 15th March, 1781.

‡ *4 Seſſ. Ch. 24. Obſolete.*

CHAP. XXX.

An ACT *to alter the Place of holding Elections in the* Mohawk *Diſtrict, in the County of* Tryon.

Paſſed 19th March, 1781.

WHEREAS the Houſe aſſigned by Law, for holding the annual Town-Meetings and Elections in the ſaid Diſtrict, and the other Dwellings in the Neighbourhood thereof, hath been deſtroyed by the Enemy;

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the annual Town-Meetings and Elections in the ſaid Diſtrict ſhall, in future, be held at the Church in the ſaid Diſtrict, inſtead of the Place heretofore aſſigned by Law for the Purpoſe.

CHAP. XXXI.

An ACT *authorizing the United States in Congreſs aſſembled, to levy a Duty on foreign Merchandize imported into this State.*

Paſſed 19th March, 1781.

Repealed, 6th Seſſ. Ch. 27.

CHAP. XXXII.

An ACT *for raiſing two Regiments for the Defence of this State, on Bounties of unappropriated Lands.*

Paſſed 20th March, 1781.

Further Proviſion, 7th Seſſ. Ch. 63.

Preamble. WHEREAS the expoſed Situation of the extenſive Frontiers of this State renders it neceſſary that Meaſures ſhould be adopted for their Protection;

I. *Be*

A. D. 1781. Inde. U. S. V.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That two Regiments upon the preſent Continental Eſtabliſhment, as to the Number of Officers and Men compoſing ſuch Regiments, be raiſed for the Defence of the Frontiers, whenever the Congreſs of the United States ſhall give Aſſurances that the Regiments aforeſaid ſhall be armed, accoutered, clothed, ſubſiſted, and paid at the Expence of the United States; and that the Troops ſhall continue in Service for three Years from their reſpective Inliſtment, unleſs ſooner diſcharged.

Two Regiments to be raiſed for the Defence of the Frontiers.

II. *And be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful to and for the Perſon adminiſtring the Government for the Time being, by and with the Advice and Conſent of the Council of Appointment, to appoint the Officers to ſuch Regiments; and as often as Vacancies ſhall happen, to appoint others: That a Lieutenant-Colonel and a Major ſhall not be commiſſioned until a Number of Men equal to two Thirds of the Regiment ſhall be muſtered: That it ſhall be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, to appoint the Commiſſion Officers to ſuch Regiments, and by and with ſuch Advice and Conſent, to iſſue Warrants, in the firſt Inſtance, to ſuch and ſo many Perſons as Captains and Subalterns as he ſhall deem proper and neceſſary, ſpeedily to inliſt the Men for the Service aforeſaid, and under ſuch Regulations and Reſtrictions as he ſhall judge proper: *Provided always,* That the Number of Officers ſo by him warranted as aforeſaid, ſhall not exceed in Number the Continental Eſtabliſhment.

Council of Appointment to appoint Officers, and fill up Vacancies,

And to iſſue Warrants to Captains and Subalterns to inliſt Men.

III. *And be it further Enacted by the Authority aforeſaid,* That it ſhall be lawful for the Perſon adminiſtring the Government of this State for the Time being, to employ and authorize ſuch and ſo many warrant Officers and others, as he ſhall deem proper and neceſſary, to muſter and receive Perſons to be inliſted by Virtue of this Act; and to give to ſuch Perſons Certificates of their Inliſtments, thereby to be entitled to the Bounty of Land intended to be given by this Act: That if a ſufficient Number of Men to compoſe a Regiment as aforeſaid, ſhall not be raiſed on or before the firſt Day of *Auguſt* next, the Perſon adminiſtring the Government ſhall be authoriſed to arrange and form the Men then raiſed, into an independent Corps, in ſuch Manner as the Perſon adminiſtring the Government of this State for the Time being, ſhall deem proper; and that if after one Regiment is completed, there ſhall be a Number of Men inliſted beyond the Complement of one Regiment, and not ſufficient to complete another Regiment, they ſhall be arranged, diſpoſed of, and formed into an independent Corps, in the Manner before preſcribed.

Gover. to employ Perſons to muſter and receive Men.

IV. *And be it further Enacted by the Authority aforeſaid,* That the Faith of the State be, and is hereby pledged to the Officers, non-commiſſioned Officers and Privates compoſing ſuch Regiments or Corps, that the Legiſlature of this State will grant unto ſuch Officers who ſhall be commiſſionated, and to ſuch non-commiſſioned Officers and Privates as ſhall inliſt in the ſaid Regiments, and who ſhall continue to ſerve during the Time aforeſaid, or until the Time they ſhall reſpectively be diſmiſſed or diſcharged, if ſuch Diſmiſſion or Diſcharge ſhall take Place before the End of the ſaid three Years; or to the legal Repreſentatives of ſuch Officers, non-commiſſioned Officers and Privates as ſhall die while in Service, the following ſeveral Quantities of unappropriated Lands reſpectively, *to wit;* To a Lieutenant-Colonel and Major, each four Rights; a Captain and Surgeon, each three Rights; a Lieutenant, Enſign, and Surgeon's Mate, each two Rights; and each

Lands to be granted them at the Expiration of their Service.

The Quantity.

A.D. 1781. Inde. U. S. V.

each non-commiſſioned Officer and Private, one Right; and that each Right ſhall conſiſt of Five Hundred Acres: That it ſhall be lawful for any Perſon entitled to any Quantity of Lands by Virtue of this Act, to locate the Lands which ſuch Perſon ſhall elect to be granted to him; and that the Legiſlature will, as ſoon after the Expiration of the ſaid Time of Service as a Survey of the ſaid Lands can be with Safety performed, grant to ſuch Perſon, without Fee or Reward, or Quit-rent reſerved, the Quantity of Lands to which he may be entitled, out of the Lands ſo located: That whenever any Number of Perſons entitled, collectively, to Sixty-one Rights, ſhall join in a Location, the Lands ſo located ſhall be laid out in a Townſhip of ſeven Miles ſquare, and granted to the ſaid Perſons, according to their reſpective Rights therein; and that in each ſuch Townſhip, the remaining Right ſhall be reſerved for the Support of the Goſpel, and the remaining Three Hundred and Sixty Acres, ſhall be reſerved for the Uſe of a School in ſuch Townſhip. That wherever any of the Lands to be granted in Purſuance of this Act, ſhall be located in Quantities leſs than a Townſhip of ſeven Miles ſquare, the Perſon or Perſons locating ſuch Lands, ſhall defray the Expence of the Survey thereof; but if a Townſhip ſhall be located, the State ſhall be at the Expence of running the Out-lines of ſuch Townſhip: *Provided*, That no Locations ſhall be made on Lands heretofore granted, or on Lands belonging to the *Oneida* and *Tuſcarora* Indians: *And Provided*, That the Lands to be granted by each Grant, ſhall be laid out as nearly in a Square, as the next adjacent appropriated Lands will admit of: That whenever any Location ſhall be made by any Perſon belonging to the ſaid Regiments or Corps, a Deſcription of the Lands ſo located, and the Perſon's Name by whom, and in whoſe Right ſuch Location is made, ſhall be filed with the Surveyor-General of this State for the Time being; and the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, is hereby authoriſed and required, as ſoon as may be after the paſſing of this Act, to appoint a Surveyor-General for this State; and if it ſhall appear to the ſaid Surveyor-General, that the Lands ſo located are deſcribed with ſufficient Certainty, that the ſame have not heretofore been granted, and do not belong to the *Oneida* and *Tuſcarora* Indians, the Surveyor-General ſhall approve ſuch Location, and cauſe the ſame to be filed in the Secretary's Office of this State; and the Perſon making ſuch Location ſhall, immediately after the Expiration of his Time of Service, be entitled to a Grant of the Lands ſo located.

How to be located and granted.

Council of Appointment to appoint a Surveyor-General.

His Duty.

V. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Regiments or Corps, to be raiſed in Purſuance of this Act, ſhall be ſubject to the Rules and Articles of War, eſtabliſhed for the Regulation of the Army of United States, and be under the Command of the Commander in Chief of their Army: *Provided always*, That none of the ſaid Regiments, or any Part or Detachment thereof, ſhall ſerve out of this State, without the Order or Conſent of the Perſon adminiſtring the Government of this State for the Time being.

Troops ſubject to Articles of War, and Direction of Commander in Chief.

VI. *And be it further Enacted by the Authority aforeſaid*, That any Perſon who ſhall deliver one or more of his or her able-bodied male Slaves, to any warrant Officer as aforeſaid, to ſerve in either of the ſaid Regiments or independent Corps, and produce a Certificate thereof, ſigned by any Officer or Perſon authoriſed to muſter and receive the Men, to be raiſed by Virtue of this Act, and produce ſuch Certificate to the Surveyor-General, ſhall, for every male Slave ſo entered or muſtered as aforeſaid, be entitled to the Location and Grant of one Right, in Manner as in and by this Act is directed; and ſhall be, and hereby is diſcharged from any future Maintenance of ſuch Slave; any Law to the Contrary notwithſtanding: And ſuch Slave, ſo entered as

Owner of a Slave delivered to ſerve in the ſaid Troops, entitled to a Grant of one Right, and diſcharged from maintaining ſuch Slave.

Such Slave after Service to be a free Man.

as aforeſaid, who ſhall ſerve for the Term of three Years, or until regularly diſcharged, ſhall, immediately after ſuch Service or Diſcharge, be, and is hereby declared to be a free Man of this State.

A. D. 1781. Inde. U. S. V.

VII. AND to encourage as far as poſſible, the ſpeedy completing of the ſaid Regiments; *Be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall engage an able bodied Man, to enter into either of the ſaid two Regiments, to ſerve for the Term of three Years, ſhall and may take a Transfer of the Right of ſuch Man's Right to the Bounty of Lands intended to be given by this Act; and on producing to the Surveyor-General a Certificate ſigned by any Officer or Perſon authorized to muſter and receive the Men to be raiſed by Virtue of this Act, ſhall and may locate, and be entitled to receive a Grant for the ſame, as if ſuch Perſon had actually entered, and ſerved in either of the ſaid Regiments for the Term aforeſaid: *Provided always*, That the Perſon receiving ſuch Grant ſhall, either by himſelf or ſome other Perſon on his Behalf, make an actual Settlement on, and improve ſuch Lands, within three Years next after the Concluſion of the War, or that the ſame ſhall be deemed as forfeited, and revert to the Uſe of this State.

Any Perſon furniſhing a Man, may take a Transfer of his Right.

Such Lands not improved within 3 Years after the War, to be forfeited.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Lands hereby directed to be granted to the ſaid Officers, non-commiſſioned Officers and Privates, ſhall be deemed and conſtrued to be in Lieu of all and every Bounty, Allowance of half Pay, or Emolument whatſoever, on the Part of this State. That the Levies to be raiſed in Purſuance of this Act, ſhall be muſtered by ſuch Perſon, and in ſuch Manner, as Congreſs, or the Commander in Chief of the Army of the United States ſhall direct.

Such Grants in Lieu of all other Emoluments.

By whom the Troops are to be muſtered.

CHAP. XXXIII.

An ACT *to enable the Perſon adminiſtring the Government to exchange Perſons applying for that Purpoſe, as Priſoners of War, for the Subjects of this State, Priſoners of War with the Enemy.*

Paſſed 20th March, 1781.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for the Perſon adminiſtring the Government for the Time being, as often as he ſhall deem it expedient to exchange any Inhabitant of this State whom he ſhall judge a proper Object for ſuch Exchange; and upon the Application of ſuch Inhabitant, as a Priſoner of War, for any Perſon or Perſons Subjects of this State, Priſoners of War with the Enemy, in like Manner as if ſuch Inhabitant applying for ſuch Exchange, was a Subject of the King of *Great-Britain*, and had been made a Priſoner when in Arms againſt this State: That every ſuch Application ſhall be made in Writing; and if the Perſon adminiſtring the Government ſhall conſent thereto, and approve thereof, he ſhall certify ſuch Conſent and Approbation, by an Endorſement on the Writing containing ſuch Application, and ſhall cauſe the ſaid Application and Certificate to be filed in the Secretary's Office of this State, there to be recorded; and the ſaid Inhabitant ſo applying, ſhall, from and immediately after the Date of ſuch Certificate, be, and is hereby declared to be, and ſhall be deemed and treated as a Priſoner of War to this State, and a Subject of the King of *Great-Britain*; and all and ſingular the real Eſtate held or claimed within this State, by ſuch Perſon, on the Day of the Date of the ſaid Certificate, ſhall be, and hereby is declared to be forfeited to, and veſted in the People of this State.

The Governor upon Application to exchange any Inhabitant as a Priſoner of War.

Such Application to be made in Writing, and the Governor's Approbation endorſed on the ſame, and filed in the Secretary's Office.

The Perſon applying to be treated as a Priſoner of War,

And his real Eſtate forfeited.

A.D. 1781.
Inde. U. S. V.

CHAP. XXXIV.

‡ 2d Sess. Ch. 31.
3d Sess. Ch. 60.
Expired 1st Apr. 1784.

An ACT *to continue and amend the* ‡ *Acts therein mentioned, relative to public Highways and private Roads, in the Counties of* Ulster, Orange, Dutchess, Charlotte, Westchester, Albany *and* Tryon.

Passed 20th March, 1781.

CHAP. XXXV.

Amended 5th Sess. Ch. 34.
Obsolete.

An ACT *to accommodate the Inhabitants of the Frontiers with Habitations, and for other Purposes therein mentioned.*

Passed 22d March, 1781.

CHAP. XXXVI.

Repealed 11th Sess. Ch. 73. Sec. 2.

An ACT *for the better securing the Independence of this State, and to that End requiring all public Officers and Electors within this State, to take the Test Oath therein contained.*

Passed 26th March, 1781.

CHAP. XXXVII.

Obsolete.

An ACT *to raise Monies for building a Gaol in the County of* Ulster, *and for other Purposes therein mentioned.*

Passed 26th March, 1781.

CHAP. XXXVIII.

‡ 4th Sess. Ch. 5.
Expired 1st May, 1782.

A supplementary ACT *to the Act, entitled,* ‡ *An* Act *for the Relief of certain distressed Families therein mentioned.*

Passed 26th March, 1781.

CHAP. XXXIX.

Revived and amended 6th Sess. Ch. 18.
Expired 1st February, 1784.

An ACT *to restrain Hawkers and Pedlars within this State.*

Passed 26th March, 1781.

CHAP. XL.

Office abolished, 6th Sess. Ch. 47.
Obsolete.

An ACT *for the further Direction of the purchasing Agent of this State, in the Execution of his Office, and for other Purposes therein mentioned.*

Passed 26th March, 1781.

CHAP. XLI.

‡ 4th Sess. Ch. 7.
Obsolete.

A supplementary ACT *for extending to the several Persons therein named, the Benefit of the* ‡ *Law for making Compensation to the Troops, for the Depreciation of their Pay.*

Passed 27th March, 1781.

CHAP. XLII.

‡ 3d Sess. Ch. 67.
Expired 1st Jan. 1782.

An ACT *further to continue an Act, entitled,* ‡ *An* Act *authorizing the Person administring the Government of this State, to grant Warrants of Impress.*

Passed 27th March, 1781.

CHAP.

CHAP. XLIII.

A. D. 1781.
Inde. U. S. V.

An ACT *to suspend certain Parts of an Act, entitled,* ‡ *An* Act *for raising by Tax a Sum equal to* 150,000 *Dollars in Specie, and of an Act, entitled,* † *An* Act *approving of the Act of Congress of the* 18*th Day of* March, 1780, *relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State, of the Bills of Credit to be emitted in Pursuance of the said Act of Congress, and for other Purposes therein mentioned.*

Passed 27th March, 1781.

‡ 4*th Sess. Ch.* 16.
† 3*d Sess. Ch.* 64.
Obsolete.

CHAP. XLIV.

An ACT *to relieve certain Persons in the County of* Charlotte, *from the Penalty of an Act, entitled,* ‡ *An* Act *for raising Levies to reinforce the Army of the United States.*

Passed 27th March, 1781.

‡ 3*d Sess. Ch.* 70.
Obsolete.

CHAP. XLV.

An ACT *for procuring a Quantity of Wheat by an equal Tax in Kind.*

Passed 27th March, 1781.

Altered 4*th Sess. Ch.* 54.
Obsolete.

CHAP. XLVI.

An ACT *for emitting Monies upon the Credit of this State.*

Passed 27th March, 1781.

Obsolete.

CHAP. XLVII.

An ACT *to prevent Delay by Writs of Replevin in Cases of Distress for Taxes, Assessments or Fines.*

Passed 29th March, 1781.

Repealed 11*th Sess. Ch.* 5. *Sec.* 13. *and Ch.* 73. *Sec.* 2.

CHAP. XLVIII.

An ACT *more effectually to punish Adherence to the King of* Great-Britain, *within this State.*

Passed 30th March, 1781.

Repealed 12*th Sess. Ch.* 45. *Sec.* 2.

CHAP. XLIX.

An ACT *for the Payment of certain contingent Expences of this State.*

Passed 30th March, 1781.

Obsolete.

CHAP. L.

An ACT *directing a Mode for the Recovery of Debts due to, and the Settlement of Accounts with this State.*

Passed 30th March, 1781.

Obsolete.

CHAP. LI.

An ACT *for the further Amendment of the Laws directing the Sales of forfeited Estates.*

Passed 31st March, 1781.

Repealed as to the Powers of the Commissioners, 7*th Sess. Ch.* 64. *Sec.* 54.
The Remainder of the Act is obsolete.

LAWS

A. D. 1781. Inde. Ut Sup. V.

LAWS of the State of NEW-YORK,

Passed in the Fourth Session of the Legislature, held at Poughkeepsie, in Dutchess County, by Adjournment.

CHAP. LII.

‡ 4th Sess. Ch. 24. † 2d Sess. Ch. 18.

An ACT *for repealing the* ‡ *Embargo Laws, and for remitting all Penalties under them, and to repeal the* † *Law prohibiting the distilling of spirituous Liquors from Grain.* Passed 27th June, 1781.

CHAP. LIII.

Private.

An ACT *for the Relief of* Jonathan Brown. Passed 27th June, 1781.

CHAP. LIV.

Obsolete.

An ACT *for obtaining a Supply of Flour for the Army.* Passed 29th June, 1781.

CHAP. LV.

4th Sess. Ch. 7. *Obsolete.*

An ACT *for the further Direction of the Auditors appointed to liquidate and settle the Accounts of the Troops of this State, in the Service of the United States.* Passed 29th June, 1781.

CHAP. LVI.

Obsolete.

An ACT *to carry into Effect, an Act of the Honourable Congress of the United States of* America, *relative to the marking of certain Bills of Credit therein mentioned.* Passed 30th June, 1781.

CHAP. LVII.

Obsolete.

An ACT *for raising a Tax in Specie, and a Tax in Paper Currency.* Passed 30th June, 1781.

CHAP. LVIII.

See 3d Sess. Ch. 72. Sec. 2 & 3.

An ACT *to repeal such of the Laws of this State, which make several Emissions of Bills of Credit a legal Tender.* Passed 1st July, 1781.

CHAP. LIX.

Private.

An ACT *pardoning* Richard Everit. Passed 1st July, 1781.

CHAP. LX.

Obsolete.

An ACT *for a further Levy of Troops for the Defence of this State.* Passed 1st July, 1781.

CHAP.

CHAP. LXI.

An ACT *relative to the Office of State Agent.*

Passed 1st July, 1781.

A. D. 1781.
Inde. *U. S.* V.

Office abolished, 6th Sess. Ch. 47.—Obsolete.

CHAP. LXII.

An ACT *further to suspend the* ‡ *Act for raising a Sum equal to* 150,000 *Dollars in Specie.*

Passed 1st July, 1781.

‡ *4th Sess. Ch.* 16.

CHAP. LXIII.

An ACT *to encourage the apprehending of Deserters from the Troops of this State, serving in the Army of the United States.*

Passed 1st July, 1781.

Obsolete.

CHAP. LXIV.

An ACT *for the Payment of the Salaries of the several Officers of Government, and of certain Debts due from this State.*

Passed 1st July, 1781.

Obsolete.

LAWS of the State of NEW-YORK,

Passed in the Fifth Session of the Legislature, held at Poughkeepsie, in Dutchess County.

A. D. 1781.
Inde. *U. S.* VI.

CHAP. I.

An ACT *farther to amend the* ‡ *Laws relative to Night Watch, and to repeal an* † *Act therein mentioned.*

Passed 6th November, 1781.

‡ *2d Sess. Ch.* 6.
3d Sess. Ch. 16.
† *4th Sess. Ch.* 12.
Expired with the War.

CHAP. II.

An ACT *further to continue the Treasurer of this State in Office.*

Passed 7th November, 1781.

Obsolete.

CHAP. III.

An ACT *to enable the Treasurer of this State, to exchange the old Continental Money for the new, in the Loan Office of this State.*

Passed 13th November, 1781.

Obsolete.

CHAP. IV.

An ACT *to remedy the Mistakes and Defects in the Proceedings for Conviction of Persons who have adhered to the Enemy, grounded on an Act, entitled,* ‡ *An* Act *for Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Respect to all Property within the same.* Passed 13th November, 1781.

‡ *3d Sess. Ch.* 25.

WHEREAS divers Errors, Misprisions, Deviations from the Forms prescribed by the said Act, Misdescriptions of Justices before whom the Indictments were taken, and divers Incertainties as to the Times of charging the Facts in several of the Indictments, grounded on the said Act,

Preamble.

A. D. 1781. Inde. U. S. VI.

have taken Place in many Caſes, as well in the Indictments as in the Sheriff's Notices, grounded thereon; and alſo divers Miſtakes have been made in not returning into the Supreme Court of Judicature of this State, the Examinations whereon ſome of the ſaid Indictments have been found; *And whereas* public Juſtice requires, that in all ſuch Caſes as aforeſaid, as well thoſe in which Judgment has been rendered, as thoſe in which Judgments ſtill remain to be rendered, all ſuch Miſtakes, Defects and Deviations, from the Requiſites of the ſaid Act, ſhould be remedied;

Errors remedied.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all ſuch Errors, Miſpriſions, Miſdeſcriptions and Deviations; and alſo all ſuch Incertainties as aforeſaid, as to the Times of charging the Facts in any of the ſaid Indictments, and in the Sheriff's Notices thereon, be, and each and every of them are hereby fully and abſolutely remedied; and that the Proceedings in all ſuch Caſes reſpectively, ſhall be deemed as effectual in the Law, to all Intents, Conſtructions and Purpoſes whatſoever, as if the ſaid Act had been fully and ſtrictly purſued in every Inſtance and Particular, in ſuch Proceedings; and as if no ſuch Errors, Miſpriſions, Miſdeſcriptions, or Deviations in any of the ſaid Proceedings had taken Place.

Preamble, as to Sheriff of *Albany*.

II. *And whereas* Doubts have ariſen, whether between the firſt Day of *April* laſt, and the Twenty-ninth Day of *September* laſt, *Henry I. Wendell* or *John Ten Broeck*, was the lawful Sheriff of the County of *Albany*, the ſaid Perſons having both officiated in the ſaid Office between the ſaid Days; and the ſaid *Henry I. Wendell* having publiſhed all the Notices on ſuch Indictments aforeſaid, as have been found in the County of *Albany:* In Order therefore to remove all Doubts with Reſpect to ſuch Notices as laſt aforeſaid,

Notices by *Henry I. Wendell*, declared to be duly publiſhed.

the ſame, and each and every of them are hereby enacted and declared to have been duly publiſhed to all Intents, Conſtructions, and Purpoſes in the Law whatſoever, as if he was, during the Time aforeſaid, lawful Sheriff of the ſaid County.

CHAP. V.

‡ 4th Seſſ. Ch. 16.

An ACT *further to ſuſpend the* ‡ *Act for raiſing a Sum equal to* 150,000 *Dollars in Specie.*

Paſſed 17th November, 1781.

CHAP. VI.

Repealed 5th Seſſ. Ch. 36. Sec. 11.

An ACT *to aſcertain the Fees to be allowed in Cauſes tried in the Juſtices Courts.*

Paſſed 17th November, 1781.

CHAP. VII.

Obſolete.

An ACT *to enable the Superviſors of the County of* Ulſter, *to levy a Tax in Grain or in Specie, for defraying the contingent Charges of the County.*

Paſſed 17th November, 1781.

CHAP. VIII.

Supplementary Act, 5th Seſſ. Ch. 42. Obſolete.

An ACT *for the further Defence of the Frontiers of this State.*

Paſſed 17th November, 1781.

CHAP.

CHAP. IX.

A. D. 1781. Inde. U. S. VI.

An ACT *declaring the Rates at which* French *Crowns and Guineas ſhall be received in Payment of Taxes, and other Public Monies due to this State; and making it Felony to counterfeit any Silver* French *Coins.*

Paſſed 20th November, 1781.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall be lawful for the Treaſurer of this State, and all other public Officers concerned in the Receipt of Taxes, or other public Monies on Account of this State, to receive in Payment of ſuch Taxes or other public Monies, the Silver Coins commonly called *French* Crowns, at the Rate of Nine Shillings lawful Money of this State, for each Crown; and the Gold Coins commonly called *French* Guineas, weighing five Penny-weight and four Grains, at the Rate of Thirty-ſix Shillings and Four-pence, of like Money, for each Guinea.

Treaſurer and other public Officers to receive

French Crowns, at 9s. each, and

French Guineas, at 36s. 4d. each.

[*The remaining Part of this Act, concerning Counterfeiting, is repealed,* 11th Seſſ. Ch. 20. Sec. 5.]

CHAP. X.

An ACT *for levying a Tax within this State.*

Paſſed 20th November, 1781.

Obſolete.

CHAP. XI.

An ACT *requiring the County Treaſurers to make Return of the State of the Taxes.*

Paſſed 20th November, 1781.

Obſolete.

CHAP. XII.

An ACT *to exempt certain Perſons in the Townſhip of* Rocheſter, *from paying the Taxes therein mentioned.*

Paſſed 20th November, 1781.

Obſolete.

CHAP. XIII.

An ACT *to amend an* ‡ *Act paſſed the 9th Day of* October, 1779, *relative to Attornies, Sollicitors and Counſellors at Law.*

Paſſed 20th November, 1781.

‡ 3d *Seſſ. Ch.* 12. *Repealed,* 9th *Seſſ. Ch.* 29.

CHAP. XIV.

An ACT *to explain an Act, entitled,* ‡ *An* Act *for the more ſpeedy Trial of Felonies without Benefit of Clergy, for ſubjecting the Acceſſaries to ſuch Felonies to a like Puniſhment with the Principals, and for the Trial of ſuch Acceſſaries, although the Principals may not be convicted, paſſed* March 11*th*, 1780.

Paſſed 21ſt November, 1781.

‡ 3d *Seſſ. Ch.* 56. *Expired with the War.*

CHAP. XV.

An ACT *for the Relief of* John Platt, *and farther to grant Relief to the Tenants of confiſcated Lands.*

Paſſed 22d November, 1781.

Obſolete.

CHAP. XVI.

An ACT *for the further Direction of the State Agent.*

Paſſed 22d November, 1781.

Office aboliſhed, 6th Seſſ. Ch. 47. *Obſolete.*

CHAP.

A.D. 1781. Inde. U. S. VI.

Obſolete.

CHAP. XVII.

An ACT *to provide for the Payment of certain contingent Expences of this State, and for other Purpoſes therein mentioned.*

Paſſed 22d November, 1781.

LAWS of the State of NEW-YORK,

Paſſed in the Fifth Seſſion of the Legiſlature, held at Poughkeepſie, in Dutcheſs County, by Adjournment.

CHAP. XVIII.

Obſolete.

An ACT *for taking the Number of white Inhabitants within this State.*

Paſſed 20th March, 1782.

CHAP. XIX.

‡ 4th Seſſ. Ch. 7. Obſolete.

An ACT *for the further Direction of the* ‡ *Auditors appointed to liquidate and ſettle the Accounts of the Troops of this State.*

Paſſed 20th March, 1782.

CHAP. XX.

Private.

An ACT *for the Relief of* Joſeph Mc. Craken.

Paſſed 20th March, 1782.

CHAP. XXI.

Continued and amended 7th Seſſ. Ch. 14. 9th Seſſ. Ch. 20.

An ACT *for the Appointment of an Auditor, and the Settlement of the public Accounts of this State.*

Paſſed 23d March, 1782.

Preamble.

WHEREAS *Comfort Sands*, Eſquire, Auditor-General of this State, hath, by his Letter to the Legiſlature, made his Reſignation of the ſaid Office;

Reſignation of Auditor General accepted.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſaid Reſignation of *Comfort Sands*, Eſq; be, and is hereby accepted.

Office of Auditor eſtabliſhed, to continue two Years.

II. *And whereas* it is neceſſary that the Office of an Auditor ſhould be eſtabliſhed in this State, to exiſt for and during the Time by this Act appointed; *Be it therefore Enacted by the Authority aforeſaid,* That the Office of an Auditor, to ſettle and adjuſt the public Accounts of this State, ſhall be and is hereby eſtabliſhed, and ſhall and may exiſt within this State, for the Term of two Years from and after the paſſing of this Act.

The Council of Appointment to appoint an Auditor.

His Duty.

III. *And be it further Enacted by the Authority aforeſaid,* That it ſhall be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, and he is hereby required, forthwith after the paſſing of this Act, to nominate and appoint an Auditor for this State; and that it ſhall be the Duty of the ſaid Auditor to audit, liquidate and ſettle all Accounts now ſubſiſting, or which hereafter may ariſe, ſubſiſt, or be between this State and any Perſon or Perſons acting, or having acted under the Authority of the ſame, or between

A.D. 1781. Inde. U. S. VI.

between this State and every other Person or Persons whatsoever: And also to state all Accounts heretofore subsisting and now depending, or hereafter to subsist or depend, between this State and the United States of *America*.

Accounts of this State with the United States to be stated.

IV. *And whereas* it is indispensably necessary, that the Accounts of this State with the said United States, should be stated as speedily as possible; *Be it therefore further Enacted by the Authority aforesaid*, That the said Auditor shall, with all convenient Speed, proceed to state the Accounts of this State with the United States, in such Manner, and on such Principles as shall from Time to Time be directed by the Legislature.

Auditor authorised to require vouchers to enable him to state the said Accounts.

V. *And be it further Enacted by the Authority aforesaid*, That the said Auditor be, and he is hereby authorised to require from such Persons who were formerly, are now, or hereafter shall be Officers, either civil or military, in the Service of this State, such Returns, Abstracts or Accounts, or Vouchers by them officially taken or received, or in Possession of such Officers, as shall be necessary to enable the said Auditor to settle and state the said Accounts, or any of them; and to require any Persons who have received any Monies for which they are, or hereafter may become accountable to this State, to account with him for the Expenditures of such Monies by such Persons respectively received; and such Persons are hereby respectively required, on the Requisition of the said Auditor, to make such Returns, and deliver such Abstracts or Vouchers as aforesaid, and to account with the said Auditor with all convenient Speed.

To employ Clerks.

VI. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for such Auditor, to employ such Clerk or Clerks, and at such Wages as he shall from Time to Time judge necessary, and most beneficial to the State, to be paid by the Treasurer of this State, out of any Monies which shall be in his Hands unappropriated, on the Certificates of the said Auditor; and that the said Treasurer shall be, and he is hereby authorised to pay to the said Auditor, such Sum or Sums (not exceeding in the Whole, the Sum of One Hundred Pounds) as the said Auditor shall from Time to Time require, to defray the Expence of Office Hire, and other incidental Charges, which he may be put to in discharging the Duties of his said Office.

To receive Money for incidental Charges.

His Salary 250l. *Altered 7th Sess. Ch.* 14. *9th Sess. Ch.* 20.

VII. *And be it further Enacted by the Authority aforesaid*, That the said Auditor shall be allowed for his Services in that Station, for the Year next ensuing the Time of his taking the Oath of Office, at and after the Rate of Two Hundred and Fifty Pounds in Specie, per Annum.

To report to Legislature.

VIII. *And be it further Enacted by the Authority aforesaid*, That the said Auditor shall from Time to Time make Report to the Legislature, of the Progress he shall have made, and of any Difficulties or Impediments which he may meet with in the Execution of the Duties prescribed to him, in and by this Act.

The Auditor vested with the same Powers as the Auditor-General.

IX. *And be it further Enacted by the Authority aforesaid*, That all the Powers and Authority vested in the Auditor-General of this State, by Virtue of any Act for the Recovery of Debts due to, and the Settlement of Accounts with this State, or for any other Purpose whatsoever, shall and may be exercised by the Auditor of this State, hereafter to be appointed in Pursuance of this Act.

Treasurer to pay audited Accounts.

X. *And be it further Enacted by the Authority aforesaid*, That the Treasurer of this State, shall pay any Demands on Account due from this State, and audited by the Auditor to be appointed by this Act, in like Manner as by Law he was heretofore directed to pay such Debts, audited by the Auditor-General of the State.

A. D. 1782. Inde. *U. S.* VII.

CHAP. XXII.

An ACT *for raiſing Troops to complete the Line of this State, in the Service of the United States, and the two Regiments to be raiſed on Bounties of unappropriated Lands, and for the further Defence of the Frontiers of this State.*

Paſſed 23d March, 1782.

Preamble. ‡ *5th Seſſ. Ch.* 8.

WHEREAS by a Law of this State, paſſed on the 17th Day of November, 1781, entitled, ‡ *An Act for the further Defence of the Frontiers of this State*, the Perſon adminiſtring the Government of this State for the Time being, was authoriſed to direct the raiſing of Fifteen Hundred Men, in the Manner in the ſaid Law directed, to ſerve to the firſt Day of *January* in the Year of our Lord One Thouſand Seven Hundred and Eighty-three: *And whereas* there is a Deficiency in the three Regiments of this State, ſerving in the Army of the United States, and it is neceſſary to complete the ſaid Regiments to their full Eſtabliſhment;

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That every Claſs within the Limits of every Regiment of Militia in this State, which may, by Virtue of the before recited Law, be required to furniſh a Man to ſerve to the firſt Day of *January*, One Thouſand Seven Hundred and Eighty-three, and which ſhall engage ſuch Man, being able-bodied, to ſerve for the Term of three Years, or during the War, in any of the ſaid three Regiments, and ſhall obtain a Certificate of the Delivery of ſuch Man to any Perſon authoriſed to receive the ſame, by the Perſon adminiſtring the Government of this State for the Time being, ſuch Claſs ſhall be entitled to a Gratuity of Six Hundred Acres of Land, out of the unappropriated Lands belonging to this State, in like Manner as by the Seventh Section of an Act, entitled, ‡ *An Act for raiſing two Regiments for the Defence of this State, on Bounties of unappropriated Lands, paſſed* March 20*th*, 1781; Perſons were entitled to ſuch Lands who ſhould engage an able-bodied Man to enter into either of the ſaid two Regiments; and that every Claſs who ſhall ſo deliver an able-bodied Man to ſerve for the Time of two Years, in either of the ſaid two Regiments, ſhall, in like Manner as aforeſaid, be entitled to a Gratuity of Three Hundred and Fifty Acres of Land as aforeſaid.

Every Claſs procuring Men to ſerve three Years, are entitled to 600 Acres of Land.

‡ 4*th Seſſ. Ch.* 32. And for two Years 350 Acres.

[*The Reſt of this Act, except the* 3*d*, 4*th*, 5*th*, 6*th and* 8*th Clauſes, is Obſolete.*]

Preamble.

III. *And whereas* the Inhabitants of this State, are ſo greatly diſtreſſed for the Want of Specie, that it is become indiſpenſably neceſſary that further Aid ſhould be afforded them to raiſe ſuch of the ſaid Fifteen Hundred Men as may not enter into any of the Regiments aforeſaid; *Be it therefore Enacted by the Authority aforeſaid*, That every Claſs which ſhall before the Expiration of twenty Days next after ſuch Claſs ſhall be notified and directed to raiſe a Man, deliver the Man to be furniſhed thereby, in Manner aforeſaid, ſhall be entitled to a Gratuity of Two Hundred Acres of Land, out of the unappropriated Lands belonging to this State, in like Manner as Claſſes delivering a Man to ſerve in any of the ſaid Regiments, are entitled to.

Lands granted as Encouragement to Claſſes raiſing Men,

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Claſs, or the major Part thereof, to grant or transfer for the Benefit of the Whole, the whole Right of ſuch Claſs to any Lands it may become entitled to by this Act, to the Perſon whom the Claſs ſhall engage to ſerve in any of the Corps aforeſaid, or to any other Perſon or Perſons whatſoever, whether of the Claſs or not, and to the Heirs and Aſſigns of ſuch Perſon or Perſons; and ſuch Grant or Transfer being made in Writing, and acknowledged or proved by the Oaths of one or more of the Witneſſes to ſuch Grant or Transfer, before any one of the Judges of the Supreme

Which Lands may be transfered by the Claſſes; and to whom.

Court

A. D. 1782. Inde. U. S. VI.

Court, or before any one of the Judges of the Inferior Court of Common Pleas, ſhall be a ſufficient Voucher whereby the Perſon or Perſons to whom ſuch Grant or Transfer is made, may locate and be entitled to receive a Grant for ſuch Lands, in Manner directed in and by the ſaid *Act for raiſing two Regiments for the Defence of this State, on Bounties of unappropriated Lands, paſſed* March 20*th*, 1781.

V. *And whereas* ſeveral of the Perſons to whom Warrants were iſſued in Purſuance of the Act for raiſing of the ſaid two Regiments for the Defence of this State, on Bounties of unappropriated Lands, have not within the Time limited, inliſted the requiſite Number of Men, in Order to entitle themſelves to Commiſſions, and have notwithſtanding hitherto continued to inliſt Men for the ſaid Regiments; and it hath been ſuggeſted that if a farther Day was granted for the Purpoſe, they would complete their Inliſtments; *Be it therefore Enacted by the Authority aforeſaid*, That each and every Perſon to whom a Warrant hath been or ſhall hereafter be granted, who ſhall inliſt, and cauſe to be muſtered into the ſaid Regiments, on or before the firſt Day of *June* next, ſuch Number of Men for the ſaid Regiments, as the Perſon adminiſtring the Government hath aſſigned or appointed, or ſhall aſſign or appoint, ſuch Perſons ſhall reſpectively be entitled to, and receive Commiſſions in the ſaid Regiments, and be entitled to, and receive the Bounties by the ſaid Act to be granted, in like Manner as if they had reſpectively inliſted the requiſite Number of Men, within the Time by the ſaid Act limited. But if ſuch Officers ſo appointed, or to be appointed, ſhould not raiſe the Men by the Time laſt above limited, that then and in ſuch Caſe, it ſhall and may be lawful for the Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, to iſſue his Warrant to ſuch of the Officers of the Levies as he ſhall approve, to recruit for the ſaid two Regiments, or the Corps which may be formed out of the ſame; which Officers, upon raiſing the Number of Men aſſigned, on or before the firſt Day of *January* next, ſhall be entitled to Commiſſions, and the Bounty in Lands agreeable thereto: *Provided always*, That if any of the ſaid Levies ſhould be inliſted, they ſhall continue to ſerve for the Term of two Years from the ſaid firſt Day of *January* next.

Further Time given to raiſe Men on Bounties of ſaid Lands.

When Officers of the Levies ſhall be authoriſed to inliſt on the ſaid Bounties.

VI. *And be it further Enacted by the Authority aforeſaid*, That every Perſon already inliſted, ſince the firſt Day of *Auguſt* laſt, or that ſhall inliſt on or before the firſt Day of *June* next, and who ſhall continue to ſerve for the Term of two Years, to be computed from the Day on which ſuch Perſon ſhall be muſtered, or who ſhall be inliſted as aforeſaid, after the ſaid firſt Day of *June*, by ſuch Officers of the Levies as ſhall be appointed as aforeſaid to recruit, to ſerve from the firſt Day of *January* next; and delivered to ſuch Perſon or Perſons, as the Perſon adminiſtring the Government of this State for the Time being, hath appointed, or ſhall appoint, to muſter and receive the Men for the ſaid two Regiments; ſhall be entitled to the Bounty of five Hundred Acres of unappropriated Land, in the Manner as in and by the ſaid Act paſſed 20th *March*, 1781, Perſons inliſting before the ſaid firſt Day of *Auguſt*, are intitled to. That the Perſon appointed, or hereafter to be appointed to muſter the ſaid two Regiments, ſhall be allowed at and after the Rate of *Twelve Shillings per Day*, for every Day he ſhall be actually employed in the ſaid Service, agreeable to ſuch Account thereof as he ſhall produce, audited by the Auditor for this State.

To ſerve for two Years from the Day on which they are muſtered.

A Bounty of 500 Acres.

12s. per Day to the Muſter-Maſter.

VIII. And in Order more effectually to complete the ſaid three Regiments with permanent Troops, *Be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall engage and deliver as aforeſaid, an able-bodied Man to ſerve for the Term of three Years or during the War, in any of the ſaid three Regiments, ſhall be entitled to, and receive a Gratuity of ſix Hundred Acres

Gratuity of 600 Acres to ſuch as procure Men to ſerve 3 Years or during the War.

A. D. 1782. Inde. U. S. VI.

And 500 Acres to such as engage Men to serve for 2 Years.

Acres of unappropriated Land, in Manner as by the seventh Section of the said Act passed on the 20th *March*, 1781, is directed; and that every Person who shall so engage, and deliver an able-bodied Man to serve in either of the said two Regiments, for the Term of two Years, shall be in like Manner entitled to, and receive a Gratuity of five Hundred Acres of unappropriated Lands. That whenever any Persons entitled to Lands by Virtue of this Act, shall associate in a sufficient Number to take a whole Township of seven Miles square, the same shall be laid out in Manner directed by the said Act passed the 20th of *March*, 1781; and each Person's Lot shall contain the Quantity of Acres such Person may be entitled to by Virtue of this Act. *Provided always*, That in every such Township there shall be laid out, one Lot containing four Hundred Acres, for the Support of the Gospel; and two other Lots containing each two Hundred Acres, for the Use of Schools; and if any Number of Acres less than the least Right, shall remain, they shall in like Manner be appropriated to the Use of Schools.

The Lands how to be laid out.

CHAP. XXIII.

Repealed 11th Sess. Ch. 73. Sec. 4.

An ACT *to divide the District of* Claverack, *in the County of* Albany, *into two Districts.*

Passed 26th March, 1782.

CHAP. XXIV.

Obsolete.

An ACT *to enable the Secretary of this State, to deliver the Records and Papers in his Possession, belonging to the Court of Probates, to the Judge of the said Court.*

Passed 26th March, 1782.

CHAP. XXV.

Obsolete.

An ACT *to alter the Name of the Precinct of* Hanover, *in the County of* Ulster.

Passed 30th March, 1782.

CHAP. XXVI.

Private.

An ACT *for the Relief of* John L. Hardenbergh.

Passed 30th March, 1782.

CHAP. XXVII.

Repealed 9th Sess. Ch. 25. Sec. 19.

An ACT *to regulate the Militia.*

Passed 4th April, 1782.

CHAP. XXVIII.

Repealed 10th Sess. Ch. 102. Sec. 14.

An ACT *to liquidate the Depreciation of the Pay of the Officers of the Military Hospital and Medical Departments, and of the Officers and Privates of the Levies and Militia of this State, made Prisoners by the Enemy.*

Passed 6th April, 1782.

CHAP. XXIX.

Obsolete.

An ACT *to rebuild the Court House and Gaol in* Kingston, *in* Ulster *County.*

Passed 6th April, 1782.

CHAP. XXX.

Obsolete.

An ACT *for erecting a Bridge in the Precinct of* Haverstraw, *and to ascertain the Boundary Line between* Haverstraw *and* Cornwall *Precincts, in* Orange *County.*

Passed 6th April, 1782.

CHAP.

CHAP. XXXI.

A.D. 1782. Inde. U. S. VI.

An ACT *to stay certain Proceedings at Law against the late Commissioners of Sequestration, in* Ulster *County.*

Passed 8th April, 1782.

Preamble.

WHEREAS it appears to the Legislature, by sufficient Evidence, that *Benjamin Smith*, of *Newburgh*, in the County of *Ulster*, was apprehended when attempting to join the Enemy; and that his Effects were seized and sold by the late Commissioners of Sequestration in the said County, who are now threatened, by the said *Benjamin Smith*, with a Suit for supposed Damages by him sustained;

The Commissioners of Sequestration indemnified for selling Effects of *Benjamin Smith*.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall not be lawful for the said *Benjamin Smith*, or any Person in his Behalf, to commence or prosecute any Suit or Action against the said late Commissioners of the said County or either of them, for or on Account of any Seizure or Sale by them made of his Effects, as aforesaid; any Law to the Contrary notwithstanding.

The Sale declared valid.

II. *And be it further Enacted by the Authority aforesaid*, That the Sale of the personal Estate of the said *Benjamin Smith*, made as aforesaid, by the said Commissioners, is hereby declared to be good and valid in Law.

CHAP. XXXII.

Private.

An ACT *for naturalizing* Johan Christian Fredenrick *and* George Klinck.

Passed 9th April, 1782.

CHAP. XXXIII.

Obsolete.

An ACT *for the Indemnification, and further Direction of the Loan Officers in the several Counties within this State.*

Passed 9th April, 1782.

CHAP. XXXIV.

‡ 4th Sess. Ch. 35. Obsolete.

An ACT *to amend an Act, entitled,* ‡ *An Act to accommodate the Inhabitants of the Frontiers with Habitations, and for other Purposes therein mentioned, passed 22d* March, 1781.

Passed 10th April, 1782.

CHAP. XXXV.

An ACT *to prevent the Establishment of any Bank within this State other than the Bank of* North-America, *and for incorporating the same within this State.*

Passed 11th April, 1782.

Preamble,

WHEREAS the United States in Congress assembled, did, on the 26th Day of *May*, 1781, resolve in the Words following, *viz.*

Reciting Resolutions of Congress relative to a Bank.

"THAT Congress do approve of the Plan for establishing a national Bank in these United States, submitted to their Consideration by Mr. *Robert Morris*, the 17th Day of *May*, 1781; and that they will promote and support the same, by such Ways and Means, from Time to Time, as may appear necessary for the Institution, and consistent with the public Good. That the Subscribers to the said Bank shall be incorporated agreeably to the Principles

A. D. 1782. Inde. *U. S.* VI.

and Terms of the Plan, under the Name of, *The Preſident, Directors, and Company of the Bank of* NORTH-AMERICA, ſo ſoon as the Subſcription ſhall be filled, the Directors and Preſident choſen, and Application for that Purpoſe made to Congreſs, by the Preſident and Directors elected.

" *Reſolved*, That it be recommended to the ſeveral States, by proper Laws for that Purpoſe, to provide, that no other Bank or Bankers ſhall be eſtabliſhed or permitted within the ſaid States reſpectively, during the War. That the Notes hereafter to be iſſued by the ſaid Bank, payable on demand, ſhall be receivable in Payment of all Taxes, Duties and Debts due, or that may become due or payable to the United States.

" *Reſolved*, That Congreſs will recommend to the ſeveral Legiſlatures to paſs Laws, making it Felony without Benefit of Clergy, for any Perſon to counterfeit Bank Notes, or to paſs ſuch Notes knowing them to be Counterfeit; alſo making it Felony without Benefit of Clergy, for any Preſident, Inſpector, Director, Officer, or Servant of the Bank, to convert any of the Property, Money, or Credit of the ſaid Bank, to his own Uſe, or in any other Way, to be guilty of Fraud or Embezzlement as an Officer or Servant of the Bank."

And whereas the Congreſs of the United States did, on the Thirty-firſt Day of *December*, 1781, paſs an Ordinance to incorporate the Subſcribers to the Bank of *North-America*, in the Words following, *viz.*

" *Whereas* Congreſs, on the Twenty-ſixth Day of *May* laſt, did, from a Conviction of the Support which the Finances of the United States would receive from the Eſtabliſhment of a national Bank, approve a Plan for ſuch an Inſtitution, ſubmitted to their Conſideration by *Robert Morris*, Eſquire, and now lodged among the Archives of Congreſs; and did engage to promote the ſame by the moſt effectual Means; *And whereas* the Subſcription thereto is now filled from an Expectation of a Charter of Incorporation from Congreſs, the Directors and Preſident are choſen, and Application hath been made to Congreſs by the ſaid Preſident and Directors for an Act of Incorporation; *And whereas* the Exigencies of the United States render it indiſpenſably neceſſary, that ſuch an Act be immediately paſſed;

Stile of the Corporation.

" *Be it therefore Ordained, and it is hereby Ordained by the United States in Congreſs aſſembled*, That thoſe who are, and thoſe who ſhall become Subſcribers to the ſaid Bank, be, and for ever after ſhall be a Corporation and Body Politic, to all Intents and Purpoſes, by the Name and Stile of, *The Preſident, Directors, and Company of the Bank of* NORTH-AMERICA.

To hold Property to the Amount of Ten Millions of Dollars, and no more.

" *And be it further Ordained*, That the ſaid Corporation are hereby declared, and made able and capable in Law, to have, purchaſe, receive, poſſeſs, enjoy and retain Lands, Rents, Tenements, Hereditaments, Goods, Chattles and Effects, of what Kind, Nature, or Quality ſoever, to the Amount of Ten Millions of Spaniſh Silver milled Dollars, and no more; and alſo to ſell, grant, demiſe, alien, or diſpoſe of the ſame Lands, Rents, Tenements, Hereditaments, Goods, Chattles and Effects.

To ſue and be ſued.

" *And be it further Ordained*, That the ſaid Corporation be, and ſhall be for ever hereafter able and capable in Law, to ſue and be ſued, plead and be impleaded, anſwer and be anſwered unto, defend and be defended in Courts of Record, or any other Place whatſoever; and to do and execute all and ſingular other Matters and Things, that to them ſhall or may appertain to do.

To chooſe their own Officers.

" *And be it further Ordained*, That for the well-governing the ſaid Corporation, and the ordering of their Affairs, they ſhall have ſuch Officers as they ſhall hereafter direct or appoint: *Provided nevertheleſs*, That twelve Directors, one of whom ſhall be the Preſident of the Corporation, be of the Number of their Officers.

" *And*

"*And be it further Ordained*, That *Thomas Willing* be the preſent Preſident; and that the ſaid *Thomas Willing*, and *Thomas Fitzſimmons*, *John Maxwell Nesbit*, *James Wilſon*, *Henry Hill*, *Samuel Oſgood*, *Cadwallader Morris*, *Andrew Caldwell*, *Samuel Inglis*, *Samuel Meredith*, *William Bingham* and *Timothy Matlack*, be the preſent Directors of the ſaid Corporation; and ſhall ſo continue until another Preſident and other Directors ſhall be choſen, according to the Laws and Regulations of the ſaid Corporation.

The preſent Preſident and Directors.

"*And be it further Ordained*, That the Preſident and Directors of the ſaid Corporation, ſhall be capable of exerciſing ſuch Power, for the well-governing and ordering of the Affairs of the ſaid Corporation, and of holding ſuch occaſional Meetings for that Purpoſe, as ſhall be deſcribed, fixed, and determined by the Laws, Regulations and Ordinances of the ſaid Corporation.

To exerciſe Powers for ordering their Affairs.

"*And be it further Ordained*, That the ſaid Corporation may make, ordain, eſtabliſh, and put in Execution ſuch Laws, Ordinances and Regulations, as ſhall ſeem neceſſary and convenient to the Government of the ſaid Corporation: *Provided always*, That nothing herein before contained, ſhall be conſtrued to authorize the ſaid Corporation, to exerciſe any Powers in any of the United States, repugnant to the Laws or Conſtitution of ſuch State.

To make Laws for their Government.

"*And be it further Ordained*, That the ſaid Corporation ſhall have full Power and Authority, to make, have, and uſe a Common Seal, with ſuch Device and Inſcription as they ſhall think proper; and the ſame to break, alter and renew at their Pleaſure.

To have a Common Seal.

"*And be it further Ordained*, That this Ordinance ſhall be conſtrued and taken moſt favourably and beneficial for the ſaid Corporation."

And whereas the United States in Congreſs aſſembled, did, on the 31ſt Day of *December*, 1781, reſolve, That it be recommended to the Legiſlature of each State, to paſs ſuch Laws as they may judge neceſſary for giving the foregoing Ordinance its full Operation, agreeably to the true Intent and Meaning thereof, and according to the Recommendations contained in the Reſolutions of the 26th *May* laſt;

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Bank mentioned in the ſaid Ordinance, ſhall be, and is hereby incorporated and made a Body Politic within this State, by the Name and Stile of, *The Preſident, Directors, and Company of the Bank of* NORTH-AMERICA, with all and ſingular the Powers, Privileges, and Immunities in the ſaid Ordinance ſpecified; and that no other Bank, public or private, ſhall be eſtabliſhed within this State, during the preſent War with *Great-Britain*, on Pain of the Forfeiture of One Hundred Pounds for every Offence, by every Perſon concerned in ſuch Bank or Banks, being thereof convicted in the Supreme Court of Judicature of this State; which Forfeiture ſhall go one Half to the Complainant, and the other Half to the Treaſury of this State.

The ſaid Bank incorporated within this State.

And no other Bank to be eſtabliſhed during the preſent War.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall forge or counterfeit any Bank Note or Notes, iſſued or emitted, or to be iſſued or emitted by the ſaid Bank hereby incorporated, or ſhall alter any ſuch Bank Note, ſo that the ſame ſhall appear to be of greater Value than the ſame was at the Time of the iſſuing or emitting thereof, intended to paſs for; or ſhall paſs or give in Payment, or procure to be paſſed or given in Payment, any ſuch counterfeit or altered Bill, knowing the ſame to be counterfeit or altered; the Perſon ſo offending, ſhall be deemed guilty of Felony, and ſhall on Conviction, ſuffer the Pains, Penalties and Forfeitures, preſcribed by Law in Caſes of Felony without Benefit of Clergy.

Felony without Benefit of Clergy, to counterfeit their Notes.

This Clauſe repealed 11th Seſſ. Ch. 20. Sec. 5.

III. *And*

A. D. 1782. Inde. U. S. VI.

Or for any of their Officers or Servants to convert any Property of the Bank to their own Uſe.

This Act not to imply any Right in Congreſs to create Bodies politic.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Preſident, Inſpector, Director, or Servant of the ſaid Bank, ſhall fraudulently convert any of the Property, Money, or Credit of the ſaid Bank, to his own Uſe, he ſhall be deemed guilty of Felony; and ſhall, on Conviction, ſuffer Pains, Penalties and Forfeitures, preſcribed by Law in Caſes of Felony without Benefit of Clergy: *Provided always, and it is further Enacted*, That nothing in this Act contained, ſhall be conſtrued to imply any Right or Power in the United States in Congreſs aſſembled, to create Bodies Politic, or grant Letters of Incorporation in any Caſe whatſoever.

CHAP. XXXVI.

Supplementary Act, 8th Seſſ. Ch. 58. Repealed 10th Seſſ. Ch. 89. Sec. 24.

An ACT *to empower Juſtices of the Peace, Mayors, Recorders and Aldermen, to try Cauſes to the Value of Ten Pounds and under, and to repeal ſundry Acts therein mentioned.*

Paſſed 11th April, 1782.

CHAP. XXXVII.

Obſolete.

An ACT *for raiſing the Sum of £. 18,000; and the further Sum of £. 18,000 by Tax within this State, and for ſettling public Accounts.*

Paſſed 11th April, 1782.

CHAP. XXXVIII.

See 6th Seſſ. Ch. 46. Obſolete.

An ACT *to ſtay certain Proſecutions, and for the Remiſſion of certain Fines in the County of* Tryon, *and for other Purpoſes therein mentioned.*

Paſſed 13th April, 1782.

CHAP. XXXIX.

Repealed 12th Seſſ. Ch. 45. Sec. 2.

An ACT *more effectually to prevent illicit Trade with the Enemy.*

Paſſed 13th April, 1782.

CHAP. XL.

Office aboliſhed 6th Seſſ. Ch. 47. Obſolete.

An ACT *for the further Direction of the State-Agent with Reſpect to Forage, and the Collection of ſpecific Supplies.*

Paſſed 13th April, 1782.

CHAP. XLI.

Amended 6th Seſſ. Ch. 24. Obſolete.

An ACT *for the further Settlement of the Accounts of the Troops of this State in the Service of the United States.*

Paſſed 13th April, 1782.

CHAP. XLII.

‡ *5th Seſſ. Ch. 8. Obſolete.*

A ſupplementary ACT *to the Act, entitled, "‡ An Act for the further Defence of the Frontiers of this State," paſſed* * *20th* November *laſt.*

Paſſed 13th April, 1782.

CHAP. XLIII.

An ACT *for pardoning certain Offences committed in the North-eaſtern Part of this State.*

Paſſed 14th April, 1782.

Preamble.

WHEREAS divers Inhabitants reſiding in the North-eaſtern Parts of this State, who have heretofore denied the Sovereignty and Juriſdiction of the People of this State, in and over that Part of this State; and by their

* *This is a Miſtake; the Act paſſed 17th* November, 1781.

A. D. 1782. Inde. *U. S.* VI.

their unwarrantable Combinations, created Commotions to the great Diſturbance of the Peace and Tranquillity of this State, have by their humble Petition to the Legiſlature, repreſented, That they were ſeduced and miſled by artful and deſigning Men, from their Duty and Allegiance to this State; and have moreover profeſſed a ſincere Repentance of their Crimes and Miſdemeanors, and implored the Clemency of Government, and humbly entreated the paſſing of an Act of Indemnity, Oblivion and Pardon: And this Legiſlature being diſpoſed to extend Mercy;

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all ſuch of the Inhabitants of this State, who dwell and reſide North of the North Bounds of the State of *Maſſachuſetts*, continued to *Hudſon's* River, Eaſt of *Hudſon's* River, South of the Latitude Forty-five Degrees North and Weſt of *Connecticut* River, are hereby acquitted, pardoned, releaſed, and diſcharged from all Treaſons, Felonies and Conſpiracies whatſoever, at any Time heretofore done and committed by them, or any of them, againſt the People of the State of *New-York*, as Sovereign thereof, or againſt the Government and Authority derived from, or eſtabliſhed by the ſaid People, all capital, corporal, or pecuniary Puniſhment, Fines and Forfeitures, Judgments and Executions, to which they ſeverally were liable in Conſequence of the Crimes and Offences aforeſaid, are hereby remitted and diſcharged; and all and every the ſaid Perſons ſhall be, and hereby are fully and wholly reſtored in Perſon and Eſtate, to the ſame State and Condition wherein they ſeverally were at any Time before the ſaid Crimes and Offences were committed or perpetrated.

Inhabitants of the North-eaſtern Parts of this State pardoned from all Crimes, excepting Adherence to the *Britiſh* King, and Murder.

II. *And be it further Enacted by the Authority aforeſaid,* That no Perſon or Perſons whatſoever, ſhall have the Benefit of the ſaid Pardon for the Purpoſe of pleading the ſame againſt any Charge of Treaſon or other Offence, already found, or hereafter to be found againſt them, or any of them, for adhering to the King of *Great-Britain*, the Enemy of this State, or for any Murder; or that ſuch Pardon ſhall be a Bar to a Conviction, Judgment, or Execution for the ſaid Treaſon, or other Offence laſt mentioned, or for Murder as aforeſaid.

CHAP. XLIV.

An ACT *for quieting the Minds of the Inhabitants in the North-eaſtern Parts of this State.* *Obſolete.*

Paſſed 14th April, 1782.

CHAP. XLV.

An ACT *for the further Relief of the Tenants of forfeited Lands, and for the further Direction of the Commiſſioners of Forfeitures, and of the Commiſſioners of Sequeſtration.* *Obſolete.*

Paſſed 14th April, 1782.

CHAP. XLVI.

An ACT *for the Payment of certain contingent Expences of this State.* *Obſolete.*

Paſſed 14th April, 1782.

A. D. 1782.
Inde. *U. S.* VII.

LAWS of the State of NEW-YORK,

Passed in the Sixth Session of the Legislature, held at Poughkeepsie, in Dutchess County.

CHAP. I.

Explained and amended 8th Sess. Ch. 12. 10th Sess. Ch. 94.

An ACT *relative to Debts due to Persons within the Enemies Lines.*

Became a Law 12th July, 1782.

Preamble.

WHEREAS many of the Inhabitants of this State, who have not remained within the Enemy's Power, and who were indebted to others who did so remain, are now threatened with Suits, and have it not in their Power to recover from those who are indebted to them and remained within the Power of the Enemy;

Certain Suits for Debt discharged till further Provision by the Legislature.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That all Suits and Prosecutions for any Debt, arising on simple Contract, Bills single or penal, or any other Obligation, Mortgage, Security or Demand whatsoever, due by or from any Person not within the Enemy's Power or Lines, * *to any Person* that has remained with, gone into, or has in Consequence of any Law of this State, been sent within the Enemy's Power or Lines, already commenced, or which hereafter be commenced, shall be stayed until the Legislature shall make further ‡ Provision in the Premises, any Law to the Contrary notwithstanding.

‡ *See 7th Sess. Ch. 54. Sec. 6.*

Preamble, Reciting the Justice of giving Relief to certain Debtors.

II. *And whereas* it is also just and reasonable, that Provision should be made for the Relief of such Citizens of this State, who, having received in Payment of Debts due to them, Paper Currency, which at the Time of such Payment, was a legal Tender, and which they might of Right have paid in Discharge of any Debts due by them, but which it was not in their Power to pay to such of their Creditors as have remained with, gone into, or were so sent within the Enemy's Lines; and which Money has, since the Receipt thereof, depreciated in their Hands; *And whereas* it is impossible to apply one general Rule, to all the Variety of Cases, which do or may arise; *Be it therefore further Enacted by the Authority aforesaid,* That in every Suit or Prosecution which shall be commenced after the Legislature shall by Law have declared, that the Necessity of staying such Suits or Prosecutions as aforesaid does no longer exist, by any Person who may have remained with the Enemy, gone in to them, sent or to be sent as aforesaid unto them, against any Person who has remained without the Power of the Enemy, it shall and may be lawful for the Court in which such Suit shall be commenced or prosecuted, and the Court is hereby required, on Motion of the Defendant or his Attorney, to appoint three or five Referees, at the Option of the Court, to try the Matter in Controversy; and the Defendant shall, and hereby is allowed to plead before such Referees, any special Matter; and if it shall appear to the said Referees, or the major Part of them, that the special Matter alledged and proved by the Defendant, is of such a Nature, that in Equity and good Conscience, Abatement ought to be made from any Sum or Sums due by such Defendant, the Referees shall, by Majority of Voices, determine the Quantum of such Abatement;

After Suspension of Suits shall be taken off,

The Court to appoint Referees to try certain Matters in Controversy.

* *Not in the Original, but inserted by Virtue of an Act passed 4th* May, 1784, *Sess. 7. Ch. 4. Sec. 7.*

Abatement; and having made their Report and Award, in writing, ſhall return the ſame into Court; and the Court ſhall thereupon give Judgment, and order Execution to iſſue in Favour of the Plaintiff, for the Sum ſo awarded to be due to the Plaintiff: *Provided*, That ſuch Execution ſhall not be levied until the Expiration of three Years, next after the Enemy ſhall be expelled from, or ſhall have abandoned the City of *New-York*.

Referees reporting to the Court, Judgment to be given, and Execution to iſſue in Favor of the Plaintiff.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for every Defendant, to pay in Diſcharge of any Debts ſo found due as aforeſaid, to ſuch Plaintiff as aforeſaid, Certificates or Notes ſigned by any Commiſſioner of Loans of the United States, according to the Value thereof as ſettled by the Continental Scale of Depreciation, or Certificates for Money due on Loan by this State, according to the Value thereof, aſcertained by Law.

Certain Certificates payable in Diſcharge of certain Debts.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Perſon, now without the Power of the Enemy, being a Debtor to any Perſon now within the Power of the Enemy, at any Time after the Enemy ſhall be expelled from, or ſhall have abandoned the City of *New-York*, and that the Legiſlature ſhall have by Law, declared that ſuch Suits as aforeſaid ſhall be no longer ſtayed, to cite his Creditors before any Court of Law in this State, to have a Settlement, and make Payment agreeable to the Mode preſcribed by this Act; and if the Creditors ſhall refuſe to appear and come to Trial, within two Terms next after ſuch Citation, he ſhall be, and hereby is declared to be barred and precluded from recovering his ſaid Debt, Due or Demand, or any Part thereof..

When certain Debtors may cite their Creditors before any Court, to have a Settlement.

Creditors refuſing to appear, barred from recovering their Debts.

V. *Be it further Enacted by the Authority aforeſaid*, That any Subject or Subjects of this State, not in the Power or Lines of the Enemy, who are indebted by ſimple Contract, Bill ſingle or penal, or any other Obligation, Mortgage, Security or Demand whatſoever, to any Perſon or Perſons that have either remained with, gone into, or have in Conſequence of any Law of this State, been ſent within the Enemy's Power or Lines, for ſuch Subjects of this State, not in the Power or Lines of the Enemy, ſo indebted, ſhall be, and hereby are diſcharged from any Intereſt which may have become due on ſuch Contract, Bill, Obligation, Mortgage or Securities, ſince the firſt Day of *January*, One Thouſand Seven Hundred and Seventy-ſix, to the firſt Day of *January*, which ſhall follow next after the Concluſion of the preſent War; any Law, Uſage or Cuſtom, to the Contrary notwithſtanding: *Provided*, That nothing in this Clauſe contained, ſhall be deemed to operate a Diſcharge of any Intereſt which may have accrued on any ſuch Bill, Obligation, Mortgage or other Security, executed ſince the ſaid firſt Day of *January*, One Thouſand Seven Hundred and Seventy-ſix: *Provided nevertheleſs*, That no Perſon or Perſons ſhall be allowed the Benefit of this Act, unleſs he, ſhe or they ſhall firſt have taken the Oath of Abjuration, and the Oath of Allegiance to this State, and ſhall obtain a Certificate ſigned by *Twelve* reputable and well-affected Freeholders of this State, one whereof ſhall be a Judge of the Inferior Court of Common Pleas of the County in which the Perſon named in ſuch Certificate ſhall reſide, certifying that he or ſhe is well attached to the Freedom and Independence of the United States of *America*, and have taken an active and decided Part therein: *And Provided farther*, That this Act ſhall not extend to any Debt or Debts, contracted or made, or hereafter to be made, for the Uſe of the State, for the Payment of which the Faith thereof is pledged: *And alſo Provided farther*, That nothing in this Act contained, ſhall be conſtrued to extend to any Perſon that heretofore hath been, now is, or hereafter ſhall be a ‡ Priſoner with the Enemy.

Debts from Subjects without the Power of the Enemy to thoſe within it, diſcharged from Intereſt from 1ſt *January*, 1776, to 1ſt *January* after the End of the War.

Debts contracted ſince the 1ſt *January*, 1776, not diſcharged from Intereſt.

What Characters are allowed the Benefit of this Act.

See 12th Seſſ. Ch. 49.

This Act not to extend to Debts made for the Uſe of the State,

Nor to Priſoners.

‡ *Explained 7th Seſſ. Ch. 54. Sec. 8.*

CHAP.

A. D. 1782. Inde. U. S. VII.

Repealed 9th Sess. Ch. 12. Sec. 7.

CHAP. II.

An ACT *to aboliſh Entails, to confirm Conveyances by Tenants in Tail, to diſtribute Eſtates Real, of Inteſtates, to remedy defective Conveyances to join Tenants, and directing the Mode of ſuch Conveyances in future.*

Became a Law 12th July, 1782.

CHAP. III.

Obſolete.

An ACT *further to continue the Treaſurer of this State in Office.*

Paſſed 20th July, 1782.

CHAP. IV.

Obſolete.

An ACT *relative to the Commiſſioners to be appointed in Purſuance of the Acts of Congreſs, of the 20th and 27th of* February, 1782, *for the Settlement of public Accounts within this State.*

Paſſed 20th July, 1782.

CHAP. V.

An ACT *to authorize the United States in Congreſs aſſembled, to adjuſt the Proportions of this State, towards the Expences of the War, in a Mode different from that preſcribed by the Articles of Confederation.*

Paſſed 22d July, 1782.

Preamble.

WHEREAS the Congreſs of the United States of *America*, did, by their Reſolution of the 20th of *February*, 1782, amongſt other Things therein contained, earneſtly recommend to the ſeveral Legiſlatures of the reſpective States, without Delay, to authoriſe and empower the United States in Congreſs aſſembled, in the final Settlement of the Proportions to be borne by each State, of the general Expences of the War, from the Commencement thereof, until the firſt Day of *January*, 1782, except the Monies loaned to the United States, to aſſume and adopt ſuch Principles, as from the particular Circumſtances of the ſeveral States, at different Periods, may appear juſt and equitable, without being wholly confined to the Rule laid down in the eighth Article of the Confederation, in Caſes where the ſame cannot be applied without manifeſt Injuſtice; *And whereas* this State is willing, and deſirous to adopt every Meaſure conducive to the permanent Intereſt and Advantage of the United States;

Congreſs empowered to ſettle the Quota of this State till 1ſt of *January* laſt upon equitable Principles.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Congreſs of the United States, are hereby empowered and authoriſed, finally to adjuſt and ſettle the Proportions to be borne by this State, towards the general Expences of the War, from the Commencement of it until the firſt Day of *January*, in the Year One Thouſand Seven Hundred and Eighty-two, (except the Monies loaned to the United States) upon ſuch Principles as may, in their Judgment, be juſt and equitable, the eighth Article of the Confederation of the United States, notwithſtanding.

CHAP. VI.

Obſolete.

An ACT *for levying a Tax upon this State.*

Paſſed 22d July, 1782.

CHAP. VII.

Repealed 12th Seſſ. Ch. 45: Sec. 2.

An ACT *to prevent illicit Trade with the Enemy.*

Paſſed 22d July, 1782.

CHAP.

CHAP. VIII.

A. D. 1782. Inde. U. S. VII.

An ACT *further to continue to the Person administring the Government of this State, the Power of appointing a Place for holding the Supreme Court.*

Passed 22d July, 1782.

2d Sess. Ch. 14. Provided for 8th Sess. Ch. 61.

CHAP. IX.

An ACT *to compel the Payment of the Arrearages of Taxes.*

Passed 24th July, 1782.

Obsolete.

CHAP. X.

An ACT *to provide Forage for the Use of the Army.*

Passed 24th July, 1782.

Obsolete.

CHAP. XI.

An ACT *to prevent Grants or Locations of the Lands therein mentioned.*

Passed 25th July, 1782.

WHEREAS Congress have, by several of their Acts, declared, that certain Quantities of Land should, at the Termination of the present War with *Great-Britain*, be granted to the Persons respectively described in such Acts, Officers and Soldiers in the Army of the United States; *And whereas* the Legislature of this State are inclined to make Provision to carry into Effect the said Acts of Congress at a future Day, so far as they respect Officers and Soldiers in the Army of the United States, who have a Right to such Grants from this State;

Preamble.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That all the Lands situate, lying and being in the County of *Tryon*, bounded on the North by Lake *Ontario*, the *Onondago* River, and the *Oneida* Lake; on the West by a Line drawn from the Mouth of the *Great Sodus* or *Asorodus* Creek, thro' the most westerly Inclination of the *Seneca* Lake; on the South by an East and West Line, drawn thro' the most southerly Inclination of the *Seneca* Lake; and on the East by a Line drawn from the most westerly Boundary of the *Oneida* or *Tuscarora* Country, on the *Oneida* Lake, thro' the most westerly Inclination of the West Bounds of the *Oneida* or *Tuscarora* Country; shall be, and the same is hereby declared to be set apart, and assigned for the Purpose of making Grants to Major-Generals and Brigadier-Generals, who at the Time of their entering into the Service were Inhabitants of this State, and to the Troops of this State, serving in the Army of the United States, and their legal Representatives, agreeable to any Acts of Congress heretofore published and declared, or any Law or Laws hereafter to be passed by the Legislature of this State; and to such other Persons as the Legislature may hereafter deem it necessary to provide for, by Gratuities in Land, on Account of their military Services in the Army of the United States. And the Surveyor-General for the Time being, shall be, and he is hereby strictly inhibited from receiving and accepting of any Locations on any Part of the Lands so set apart, except for Certificates lodged in his Office, before the passing of this Act; and excepting out of the said Tract so set apart, a certain Tract of Land within the Bounds following, *to wit*; Beginning at the Mouth of a Brook or small River which empties into the East Side of the River proceeding from the *Cayuga* Lake, being known by the Name of *Teyagokaryen*, and running thence southerly along the North-easterly Bank thereof, to a Ford at the North End of the Pond or Lake, called and known by the Name

Certain Lands set apart for the Use of the Troops.

Repealed 9th Sess. Ch. 67. Sec. 36. See 11th Sess. Ch. 89. Sec. 4. and 12th Sess. Ch. 44.

Surveyor-General inhibited from accepting Locations on the said Lands, except for certain Certificates, &c.

A. D. 1782. Inde. U. S. VII.

of *Waſko*; thence South-weſt to the *Cayuga* Lake; thence northerly along the Bank of ſaid Lake, to *Teyagokaryen*, the Stream firſt above-mentioned: And the Surveyor-General is hereby alſo ſtrictly inhibited from receiving and accepting of any Locations on any Part of the Lands contained in the Tract laſt deſcribed.

Further inhibited from accepting Locations.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Surveyor-General to receive Locations in that Part of the Tract by this Act ſet apart, for the Uſe of the Troops of this State, ſerving in the Army of the United States, for a Quantity of Land equivalent to two Townſhips of ſeven Miles ſquare each, in that Part of the Tract ſo ſet apart, which lies between the *Seneca* and *Cayuga* Lakes, and adjoining to any Locations heretofore made.

To receive Locations for Land equal to 2 Townſhips ſeven Miles ſquare each. *Repealed 9th Seſſ. Ch. 67. Sec. 36.*

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Surveyor-General, and he is hereby required to refuſe Certificates to any Perſon or Perſons, who already have, or hereafter ſhall locate any Lands, which, at the Time of ſuch Location, were actually occupied and poſſeſſed by any Perſon or Perſons, Subjects of this State; or which have been in the actual Poſſeſſion and Improvement of any Perſon or Perſons, Subjects of this State, ſince the Commencement of the preſent War with *Great-Britain*; or which were heretofore, when this State was a Colony, reſerved and applied for public Uſes; any Thing in any Law of this State, to the Contrary notwithſtanding: *Provided always*, That nothing in this Clauſe contained, ſhall be taken or deemed to inhibit the ſaid Surveyor-General, from paſſing Certificates for any Lands located, or to be located, and which now are, or heretofore were poſſeſſed and occupied by any of the Six Nations of Indians, the *Oneida* and *Tuſcaroras* excepted: *Provided alſo*, That the Surveyor-General ſhall not refuſe any Certificates to Perſons who have located Lands, which they were authoriſed by Law to locate, and which they themſelves occupy and poſſeſs, except for ſuch Lands before mentioned, which were heretofore reſerved and applied for public Uſes.

To refuſe Certificates for Lands located under certain Circumſtances. *Repealed 9th Seſſ. Ch. 67. Sec. 36. See 11th Seſſ. Ch. 89. Sec. 2.*

Proviſo, Allowing Surveyor General to paſs Certificates for any Lands of the 6 Nations of Indians, the *Oneida* and *Tuſcarora* excepted.

Proviſo, in Favor of certain prior Locations, with an Exception.

IV. *And whereas* it has been repreſented to the Legiſlature, that Fears and Uneaſineſs prevail among the Inhabitants of *King*'s Diſtrict, in the County of *Albany*, by Reaſon of Suggeſtions and Pretences by other Perſons, that the Whole or Part of the Lands compriſed within the ſaid Diſtrict, are ſtill vacant, as having never been granted: For removing ſuch Fears and Uneaſineſs, *Be it Enacted by the Authority aforeſaid*, That the Eſtate, Right, Title, or Intereſt of any Perſon or Perſons, of, in, or to any Lands within the ſaid Diſtrict, and not within any Grant or Patent, made or iſſued under the Great Seal of this State, while the ſame, as the Colony of *New-York*, was ſubject to the Crown of *Great-Britain*, ſhall not in any wiſe be impeached, queſtioned or injured, by Reaſon or Colour that ſuch Lands were not heretofore in due Form of Law, granted in Fee Simple by the Government of this State, while the ſame was a Colony of *New-York*; or ſince the Declaration of the Independence thereof.

Preamble, Setting forth Fears and Uneaſineſs in *King*'s Diſtrict, with the Cauſe thereof.

Right, Title, &c. of Perſons to unpatented Lands in *King*'s Diſtrict, ſhall not be impeached, &c.

V. *And whereas* the Wardens and Veſtry of the two Churches at the *High-Lands* and *Peek's-Kill*, with ſundry Inhabitants of *Cortlandt*'s Manor, by their Memorial preſented to the Legiſlature of this State, repreſented, That in the Year One Thouſand Seven Hundred and Seventy-two, *Beverly Robinſon* and *Suſannah*, his Wife, tendered to convey to the ſaid Wardens and Veſtry, the Farm then in Poſſeſſion of *Ebenezer Jones*, near Continental Village, containing two Hundred Acres, for the Purpoſe of a Parſonage and Glebe: That the Memorialiſts, in Conſequence of ſuch Tender, purchaſed the Improvements of the ſaid *Ebenezer Jones*, and proceeded to build the Houſe now

Preamble, Setting forth the Petition of Wardens and Veſtry, &c. of two Churches, for a Houſe and Farm at *Peek's-Kill*.

now on said Farm, called the *Yellow-House*; that they were in Possession of the said Farm and House, until the Service of the Country demanded them to yield the same for public Use; *Be it Enacted by the Authority aforesaid*, That it shall not be lawful for the Commissioners of Forfeitures, of the Middle District of this State, to sell or dispose of the said House and Farm; nor the Commissioners of Sequestration to let or demise the same, until the Legislature shall specially order the same; and that the said Wardens and Vestry shall and may occupy, possess, and enjoy the said Premises, until such further Order shall be made.

A.D. 1782. Inde. *U. S.* VII.

Said House and Farm not to be disposed of till further Order of the Legislature.

LAWS of the State of NEW-YORK,

A. D. 1783. Inde. *U. S.* VII.

Passed in the Sixth Session of the Legislature, held at Kingston, in Ulster County, by Adjournment.

CHAP. XII.

An ACT *to prevent private Lotteries, to remit certain Penalties, and to repeal the Acts therein mentioned.*

Passed 14th February, 1783.

Preamble.

WHEREAS Experience has proved, that private Lotteries occasion Idleness and Dissipation, and have been productive of Frauds and Impositions;

Lotteries deemed a Nuisance,

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That each and every Lottery, other than such as shall be authorised by the Legislature, shall be deemed a common and public Nuisance; and the Justices of the Supreme Court, and all other Justices of the Courts of Oyer and Terminer or Gaol Delivery, and the Justices of the Courts of General or Quarter Sessions of the Peace, at their several Courts, within any of the respective Counties in this State, shall have Cognizance of such Offence, and are hereby enjoined and required, in all and every of their Charges hereafter to be made or given by them to the Grand Jurors in their respective Courts, strictly to charge such Grand Jurors diligently to inquire of, and to present or indict all Offences against this Act; and the Court to which an Indictment or Presentment shall be preferred for such Offence, shall be, and are hereby empowered and enjoined, to prosecute such Indictment, or cause the same to be prosecuted in the usual Manner of Prosecution; and upon Conviction to adjudge such Fines and Penalties as are herein after directed, together with the Costs of Prosecution, and to order Execution; and to direct the Fines or Penalties, when recovered, to be applied in the Manner herein after directed.

And indictable.

Lotteries prohibited.

II. *And be it further Enacted by the Authority aforesaid*, That no Person or Persons shall, within this State, open, set on Foot, carry on, promote, draw or make, publickly or privately, any Lottery, Game or Device of Chance, of any Nature or Kind whatsoever, or by whatever Name, Denomination or Title it may be called, known or distinguished, or shall by any such Ways or Means expose or set to Sale, any Houses, Lands, Tenements or real Estate, or any Goods, Wares, Merchandises, Cash, or other Thing or Things whatsoever: And that every Person who shall offend in the Premises against the true Intent and Meaning of this Act, and shall thereof be convicted, by the Oath of one or more credible Witness or Witnesses, in either of the Courts

Offenders to forfeit, on Conviction, the Amount of the Lottery,

A. D. 1783. Inde. *U. S.* VII.

Courts herein before mentioned, in any Part within this State, ſhall forfeit the Amount of the whole Sum or Value for which ſuch Lottery was made; and if ſuch Sum or Value ſhall not be ſatisfactorily aſcertained to the ſaid Court at the Time of the Trial, then each ſuch Offender ſo convicted, ſhall forfeit *Five Hundred Pounds*; and that ſuch Offender ſhall be committed to the common Gaol of the County, until ſuch Forfeiture, with the Coſts of Proſecution, be paid; the one Half of ſuch Forfeiture to be paid to the Treaſurer of this State, for the Uſe of the People of this State, to be applied for the Support of Government; and the other Half to the Perſon or Perſons who ſhall have voluntarily given Information of ſuch Offence, and proſecuted the ſame to Effect; and for Defect of ſuch voluntary Informant, then to be paid and applied as the firſt Moiety of ſuch Forfeiture, is hereby directed to be paid and applied.

Or 500l.

How applied.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall vend, ſell or barter, or offer to vend, ſell or barter, any Ticket or Tickets of any ſuch private Lottery, Game, or Device of Chance; or if any Perſon or Perſons ſhall purchaſe the ſame, or in any other Way become Adventurer or Adventurers therein, or be any Ways concerned in any ſuch Lottery, Game, or Device of Chance; either by printing, writing, or any other Ways publiſhing an Account thereof, or where Tickets may be had or obtained for the ſame, or be in any Wiſe aiding or aſſiſting in the ſame; every Perſon ſo offending, ſhall, on being convicted thereof as before-mentioned, in any of the Courts before-mentioned, forfeit and pay for every ſuch Offence, the Sum of *Ten Pounds*; and the Coſts of Proſecution, to be levied and applied in like Manner as is directed with Reſpect to the other Forfeitures herein before-mentioned.

Perſons ſelling or purchaſing Tickets, or any Ways concerned in promoting Lotteries,

Forfeit 10l.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, who ſhall be Adventurer or Adventurers in any ſuch Lottery, Game, or Device of Chance as aforeſaid, for transferring of any Property by Lot or Chance, ſhall become entitled to any Prize or Prizes, he, ſhe or they, ſhall be liable to forfeit, and ſhall forfeit the ſame, with Coſts of Suit, to ſuch Perſon or Perſons who ſhall give Information thereof, ſo that ſuch Offender may be convicted in Manner before directed; and for the Recovery of ſuch Prize or Prizes, ſuch Perſon or Perſons ſo informing, ſhall be entitled to maintain an Action in any Court of Record within this State, againſt any Perſon who ſhall have opened, ſet on Foot, carried on, or made ſuch Lottery, Game, or Device of Chance, or againſt any Perſon or Perſons who ſhall have ſold or offered for Sale any Ticket or Tickets: And if the Perſon or Perſons ſo informing, be or ſhall have been an Adventurer only in ſuch Lottery, Game, or Device of Chance, he, ſhe or they ſhall upon giving ſuch Information as aforeſaid, be exempted from the Penalty otherwiſe incurred by this Act: And any Perſon or Perſons adventuring as aforeſaid, whoſe Ticket or Tickets ſhall be drawn or turn out Blank, ſhall, upon giving Information as aforeſaid, ſo that the Perſon or Perſons who ſhall have opened, ſet on Foot, carried on, drawn, or made the ſaid Lottery or other Game, or Device of Chance, or ſhall have ſold or bartered, or offered for Sale or Barter ſuch Ticket or Tickets, may be convicted, be entitled to recover againſt any ſuch Perſon or Perſons ſo convicted, double the Sum which he, ſhe or they adventured in ſuch Lottery, Game, or Device of Chance, with double Coſts of Suit, by Action of Debt in any Court of Record within this State. And if any Perſon or Perſons who ſhall have ſo opened, ſet on Foot, carried on, drawn or made ſuch Lottery, Game, or Device of Chance as aforeſaid, ſhall neither before or after the drawing or finiſhing of the ſame, give Information thereof, ſo that the Perſons who have adventured therein, ſhall be convicted in the Manner before directed, he, ſhe or they, ſo giving Information,

Adventurers to forfeit their Prize.

Adventurers giving Information to be exempted from the Penalty.

Adventurers drawing a Blank on informing againſt the Promoters of the Lottery, to recover double the Sum adventured.

Perſons making Lotteries exempted from Penalties on giving Information.

Information, shall not only be exempted from the Penalty otherwise incurred by this Act, and be entitled to the Reward allowed to Persons in such Case informing, but shall also have a Right to retain all such Monies or other Effects, as he, she, or they may have received by the Sale or Barter of Tickets.

Conveyances in Pursuance of Lotteries void.

V. *And be it further Enacted by the Authority aforesaid*, That every Grant, Bargain, Sale, Conveyance or Transfer, of any Lands, Tenements, Hereditaments or Real Estate, or of any Goods or Chattels whatsoever, which shall hereafter be made in Pursuance of any such Lottery, Game, or other Device, to be determined by Chance or Lot, are hereby declared void, and of none Effect.

Penalties may be recovered against all or any Persons concerned.

VI. *And be it further Enacted by the Authority aforesaid*, That where any two or more Persons shall be concerned in setting on Foot, carrying on, drawing, or making any such Lottery, Game, or Device of Chance, as aforesaid, or be joint Adventurers in the same, the Penalties herein before directed, for such Offences respectively, may be recovered against and levied from all, or each, or either of them; any Thing herein contained to the Contrary notwithstanding.

Offences against a former Act pardoned, and Penalty remitted. And former Laws repealed.

VII. *And be it further Enacted by the Authority aforesaid*, That all Offences against an Act, entitled, *An* Act *for the more effectual Prevention of private Lotteries*, passed on the ninth Day of *March*, 1774, committed since the fourth Day of *July*, One Thousand Seven Hundred and Seventy-six, and not hitherto presented or indicted by a Grand Jury, are hereby pardoned; and all Penalties and Forfeitures thereby incurred, are remitted; and the said Act, except as to such Person or Persons, against whom Presentment or Presentments, Indictment or Indictments have been presented, is hereby repealed. And that as to all such Person or Persons, against whom any Presentment or Indictment has been preferred for such Offence, and Judgment remains to be rendered, such Court to which such Indictment or Presentment was preferred, shall and may, at a future Session of such Court, discharge the Offender or Offenders, on his, her, or their paying the Costs of Prosecution, respectively: And for Neglect of Payment of the Costs of Prosecution, that such Court, before whom such Offender is indicted, do commit such Offenders respectively to the common Gaol of the County, until they shall respectively have paid the Costs of Prosecution; and that all former Laws of this State respecting Lotteries, be, and the same are hereby repealed.

Justices and other civil Officers to prevent Lotteries.

VIII. *And be it further Enacted by the Authority aforesaid*, That the Justices of the Peace, Mayors, Sheriffs, Bailiffs, Constables and other civil Officers, within their respective Jurisdictions, are hereby empowered, directed and required, to use their utmost Endeavours, by all lawful Ways and Means, to prevent the opening, setting on Foot, or drawing of any such unlawful Lotteries, Games or Devices of Chance, prohibited by this Act. *Provided always*, That this Act, or any Matter, Clause or Thing therein contained, shall not affect, or be deemed, judged, or construed to affect any Lottery or Lotteries, established or to be established by, or under the Authority of the United States in Congress assembled, or any Act, Matter or Thing, done or to be done in any wise, relating to such Lottery or Lotteries, by any Persons whomsoever.

United States Lotteries not affected by this Act.

CHAP. XIII.

An ACT *for the Relief of* Jacobus Wynkoop.

Private.

Passed 14th February, 1783.

A.D. 1783. Inde. U. S. VII.

Obſolete. See 5th Seſſ. Ch. 13.

CHAP. XIV.

An ACT *to prolong the Time limited for the Qualification of Attornies, Solicitors and Counſellors at Law, whoſe Suſpenſion has been taken off.*

Paſſed 14th February, 1783.

CHAP. XV.

Obſolete.

An ACT *to authorize the Collection of Monies in Arrear, for the Support of the Poor in the Manor of* Cortlandt.

Paſſed 18th February, 1783.

CHAP. XVI.

Obſolete.

An ACT *to authorize his Excellency the Governor to raiſe Troops for the Defence of the Frontiers.*

Paſſed 21ſt February, 1783.

CHAP. XVII.

An ACT *to incorporate the Miniſter, Elders and Deacons of the Reformed Proteſtant Dutch Church, of* Tappan, *or Town of* Orange, *in* Orange *County.*

Paſſed 25th February, 1783.

Preamble,

Reciting the Boundaries of the Lot of Land granted to the Dutch Church at *Tappan.*

WHEREAS *Daniel Declark*, *Peter Haring*, *Johannis Blauvelt*, *Lambert Smith* and *Cozine Haring*, original Patentees of the Tract of Land called *Tappan*, or the Town of *Orange*, in *Orange* County, did, by a certain Deed-Poll, bearing date the thirteenth Day of October, 1729, releaſe, quit Claim, and confirm unto the then Church Officers of the Reformed Proteſtant Dutch Church of *Tappan* aforeſaid, and their Succeſſors, to the Uſe of the ſaid Church, a certain Piece or Lot of Land, lying and being in *Tappan* aforeſaid, in the ſaid County of *Orange*, beginning by a Beech-Tree, ſtanding a little to the North of *Gysbert Bogert's Path*; and from thence running Weſt Twenty-ſeven Chains, to the Line of *Johannis Meyer*, to a Tree there marked; then South, nine Degrees, Weſt one Chain and ten Links, to a Stake; then Eaſt one Degree South ſeventeen Chains to an Oak marked; then South nine Degrees Weſt thirty Chains, to old *Tappan* Road, to a Stake; then Eaſt by North, eighteen Chains, to the Spar-Kill; then Northerly along the Spar-Kill and the Land of *Gysbert Bogert*, to the Place where it firſt begun, containing Fifty-five Acres. *And whereas* the preſent

And the Petition of the Miniſter, Elders and Deacons.

Miniſter, Elders and Deacons of the Church aforeſaid, by their humble Petition, preſented to the Legiſlature, ſet forth, that from the Time of the Conveyance aforeſaid, until the preſent Day, the Church Officers of the Church aforeſaid, for the Time being, have held and enjoyed the ſaid Piece or Lot of Land; and that the Predeceſſors of the ſaid Petitioners have been at conſiderable Expence in erecting on the ſaid Piece or Lot of Land, a decent Edifice, in which the public Worſhip of God is carried on, according to the Uſage and Cuſtom of the Reformed Proteſtant Dutch Churches of the United Provinces in Europe, and in erecting other Buildings for the Reception and Convenience of the Miniſter of the ſaid Church: *And further*, That they the ſaid Petitioners and their Predeceſſors, for ſeveral Years paſt, have laboured under Difficulties and Diſadvantages, for the Want of corporate Powers; and therefore pray to be incorporated, and to have the ſaid Piece or Lot of Land and Buildings thereon, confirmed to them and their Succeſſors and Aſſigns for ever;

I. *Be*

A. D. 1783. Inde. U. S. VII.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That *Samuel Verbryck,* Minister of the said Reformed Protestant Dutch Church of *Tappan,* or Town of *Orange,* in *Orange* County; *Teunis Blauvelt, Robert Sickles, Abraham I. Haring* and *Martin Paulus,* Elders; and *Abraham T. Blauvelt, Barent H. Nagel, John I. Haring* and *Gerret Jos Blauvelt,* Deacons of the same Church, and their Successors, elected, chosen, or appointed according to the Mode practised in or by the Reformed Protestant Dutch Churches or Congregations, be, and they are hereby made and constituted a Corporation and Body Politic in Law and in Fact, to have Continuance for ever, by the Name, Stile, and Title of, *The Minister, Elders and Deacons of the Reformed Protestant Dutch Church of the Town of* Orange, *in* Orange *County.*

Minister, Elders and Deacons, and their Successors incorporated.

II. *And be it further Enacted by the Authority aforesaid,* That they the said Minister, Elders and Deacons, and their Successors, by the Name, Stile and Title aforesaid, shall for ever hereafter, be Persons able and capable in Law, to have, take, receive, acquire, purchase, possess and enjoy Lands, Tenements, Hereditaments, and Goods, Chattels, Property and Effects, of whatsoever Kind, Nature or Quality, as any Person or Persons, or any Corporation or Body Politic, can or lawfully may do, to the annual Value of *Five Hundred Pounds,* equal to One Thousand One Hundred and Eleven Ounces, and one ninth Part of an Ounce, of Sevil, Pillar or Mexico Plate, and no more; and the same Lands, Tenements, Hereditaments, Goods, Chattels, Property and Effects, to lease, grant, demise, alien, bargain, sell and dispose of, at their own Will and Pleasure.

And enabled to hold Lands and Goods to the Amount of 500l. per Annum.

III. *And be it further Enacted by the Authority aforesaid,* That they the said Minister, Elders and Deacons, and their Successors, by the Name, Stile and Title aforesaid, at all Times, for ever hereafter, shall be Persons able and capable in Law, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and be defended, in any Court or Courts, in all and all Manner of Suits, Complaints, Pleas, Causes, Matters and Demands, of whatsoever Kind, Nature or Form they may be, and all and every Matter and Thing therein, to do in as full and effectual Manner, as any other Person or Persons, or Corporation, or Body Politic within this State, may or can do.

To sue and be sued.

IV. *And be it further Enacted by the Authority aforesaid,* That they the said Minister, Elders and Deacons, and their Successors, shall have full Power and Authority to make, have, and use one common Seal, with such Device and Inscription as they shall think proper; and the same Seal to break, alter and renew, at their Pleasure.

To have a common Seal.

V. *And be it further Enacted by the Authority aforesaid,* That it shall and may be lawful, to and for the said Minister, Elders and Deacons, and their Successors, from Time to Time, to elect, from among themselves, a President, and to elect and appoint, from among themselves, or others, a Treasurer, a Clerk, and such other Officers as they shall stand in Need of; and the same President, Treasurer, Clerk, and other Officers, or any of them, at their Pleasure, to remove, change or continue.

President, Treasurer, and Clerk how to be elected.

VI. *And be it further Enacted by the Authority aforesaid,* That all the Estate, Right, Title and Interest, which they the said herein before named *Daniel Declark, Peter Haring, Johannis Blauvelt, Lambert Smith,* and *Cozine Haring,* or any or either of them, immediately at and before their executing the aforesaid Deed-Poll, had of, in, or to the herein before described Piece or Lot

Their Title to the said Lot confirmed.

A. D. 1783. Inde. *U. S.* VII.

Lot of Land, and Buildings and Improvements thereon, be, and the ſame are hereby veſted in, and confirmed to the ſaid Miniſter, Elders and Deacons of the Reformed Proteſtant Dutch Church of the Town of *Orange*, in *Orange* County, and their Succeſſors and Aſſigns, to have and to hold the ſame unto them, their Succeſſors and Aſſigns, to and for their only proper Uſe and Behoof for ever.

CHAP. XVIII.

‡ 4*th Seſſ. Ch.* 39. *Expired* 1*ſt* February, 1784.

An ACT *to revive and amend an Act, entitled,* ‡ *An* Act *to reſtrain Hawkers and Pedlars within this State.*

Paſſed 25th February, 1783.

CHAP. XIX.

This Act expires 1*ſt* January, 1790.

An ACT *to encourage the deſtroying of Wolves and Panthers.*

Paſſed 4th March, 1783.

CHAP. XX.

Obſolete.

An ACT *to prevent the Sale of certain Eſtates therein mentioned.*

Paſſed 4th March, 1783.

CHAP. XXI.

Obſolete.

An ACT *to enable certain Perſons whoſe Buildings have been deſtroyed by the Enemy, to procure Timber for building.*

Paſſed 4th March, 1783.

CHAP. XXII.

‡ 4*th Seſſ. Ch.* 27. *Expired* 1*ſt* March, 1788.

An ACT *to amend an Act, entitled,* ‡ *An* Act *to lay a Duty of Exciſe on ſtrong Liquors; to appropriate the Monies ariſing therefrom; and for the better regulating of Inns and Taverns within this State, paſſed the* 14*th* March, 1781.

Paſſed 5th March, 1783.

CHAP. XXIII.

Private.
Further Proviſion 7*th Seſſ. Ch.* 2.

An ACT *for the Relief of* Dirck Janſen *and his Creditors.*

Paſſed 8th March, 1783.

CHAP. XXIV.

‡ 5*th Seſſ. Ch.* 41. *Obſolete.*

An ACT *to amend an Act, entitled,* ‡ *An* Act *for the further Settlement of the Accounts of the Troops of this State, in the Service of the United States.*

Paſſed 8th March, 1783.

CHAP. XXV.

Private.

An ACT *for the Relief of* Abraham Swart.

Paſſed 8th March, 1783.

CHAP. XXVI.

Private.

An ACT *to enable* John Cochran, *Eſq; to locate two Thouſand Acres of waſte and unappropriated Lands within this State.*

Paſſed 8th March, 1783.

CHAP.

CHAP. XXVII.

A. D. 1783.
Inde. U. S. VII.

An ACT *to repeal an Act, entitled,* ‡ *An Act authorizing the United States in Congress assembled, to levy a Duty on foreign Merchandize, imported into this State; and for making more effectual Provision therefor.*

Passed 15th March, 1783.

‡ 4th Sess. Ch. 31. *The Provision intended by this Act never took Effect.*

CHAP. XXVIII.

An ACT *to appoint Commissioners to complete the running of a Jurisdiction Line between this State and the State or Commonwealth of* Massachusetts.

Passed 17th March, 1783.

Amended 8th Sess. Ch. 2. Obsolete.

CHAP. XXIX.

An ACT *to settle, and finally establish the Line or Lines of Division between the Patents of* Wawayanda *and* Cheescocks, *in the County of* Orange.

Passed 17th March, 1783.

Private. Explained and amended 9th Sess. Ch. 38.

CHAP. XXX.

An ACT *granting Relief to certain Classes who have furnished Men for the Defence of the Frontiers of this State, in the Year* 1782.

Passed 17th March, 1783.

Obsolete.

CHAP. XXXI.

An ACT *for granting a more effectual Relief in Cases of certain Trespasses.*

Passed 17th March, 1783.

Remedy extended 7th Sess. Ch. 54. Sec. 2.

BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful for any Person or Persons, who are, or were Inhabitants of this State, and who by Reason of the Invasion of the Enemy, left his, her, or their Place or Places of Abode, and who have not voluntarily put themselves respectively into the Power of the Enemy, since they respectively left their Places of Abode, his, her, or their Heirs, Executors or Administrators, to bring an Action of Trespass against any Person or Persons who may have occupied, injured, or destroyed his, her or their Estate, either real or personal, within the Power of the Enemy, or against any Person or Persons who shall have purchased or received any such Goods or Effects, or against his, her or their Heirs, Executors or Administrators, in any Court of Record within this State, having Cognizance of the same; in which Action, if the same shall be brought against the Person or Persons who have occupied, injured or destroyed, or purchased, or received such real or personal Estate as aforesaid, the Defendant or Defendants shall be held to Bail.

The Characters entitled to bring Suits, and against whom.

Defendant held to Bail.

[*The Remainder of this Act is repealed,* 10*th Sess. Ch.* 71.]

CHAP. XXXII.

An ACT *for the Relief of certain distressed Families in the County of* Tryon.

Passed 17th March, 1783.

Expired 1*st* May, 1784.

CHAP. XXXIII.

An ACT *for the Relief of deranged Officers, and for other Purposes therein mentioned.*

Passed 18th March, 1783.

Obsolete.

A. D. 1783. Inde. U. S. VII.

See 4th Sess. Ch. 7. Obsolete.

CHAP. XXXIV.

An ACT *for the further Direction of the Auditors appointed to liquidate and settle the Accounts of the Troops of this State.*

Passed 18th March, 1783.

CHAP. XXXV.

Obsolete.

An ACT *authorising the Commissioners of Forfeitures for the Middle District to sell two Lots of Land therein mentioned.*

Passed 18th March, 1783.

CHAP. XXXVI.

‡ 2d Sess. Ch. 30. Repealed, 9th Sess. Ch. 42. Sec. 6.

An ACT *making ‡ further Provision for Persons who have or may become disabled while in the Service of the United States.*

Passed 18th March, 1783.

CHAP. XXXVII.

Private.

An ACT *for naturalizing the Persons therein named.*

Passed 20th March, 1783.

CHAP. XXXVIII.

Obsolete.

An ACT *to protect the Persons and Property of the Inhabitants of the County of* Westchester, *from Injury and Abuse.*

Passed 20th March, 1783.

CHAP. XXXIX.

Repealed 11th Sess. Ch. 73. Sec. 2.

An ACT *for giving Relief against the Operation of the Statute of the 21st of* James *the 1st, commonly called the Statute of Limitations; and of an Act of this State while it was a Colony, entitled, An Act for giving Relief on promissory Notes.*

Passed 21st March, 1783.

CHAP. XL.

An ACT *for Suspending the Prosecutions therein mentioned.*

Passed 21st March, 1783.

Preamble.

WHEREAS many zealous Friends to the Freedom and Independence of the United States of *America*, have, during the present Contest with *Great-Britain*, committed and done Acts in Support of the said Freedom and Independence, which were not conformable to the strict Letter of the Law; and whereas no sufficient Discrimination can be made before the Restoration of public Tranquillity, between wanton Acts of Violence, and Acts which proceeded from a Desire to promote the public Safety;

No Prosecution for Acts done, to promote the *American* Cause.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That no Action, Suit or Prosecution, for any Imprisonment, Escape, Assault, Battery, or Trespass, done or committed by any such Person or Persons, with Intent to further the common Cause of *America*, from and after the Nineteenth Day of *April*, in the Year One Thousand Seven Hundred and Seventy-five, and before the first Day of *January* last, shall be commenced, sued, brought, or prosecuted by Bill, Plaint, Indictment or Information, by any Person

Person or Persons whomsoever, until the further Order of the Legislature: And that any Person or Persons against whom any Suit or Action shall be commenced for such Imprisonment, Escape, Assault, Battery or Trespass, either by Bill, Plaint, Indictment or Information, shall and may plead this Act in Bar, and Discharge of such Suit, Action or Prosecution; and that in Cases where any such Suit, Action, or Prosecution has already been commenced, and not determined, the Defendant or Defendants may give in Evidence this Act, on the Trial, upon any Issue already joined or to be joined: *Provided*, That nothing herein contained, shall affect any Action, Suit or Prosecution, in which Judgment has been rendered, and Execution awarded and levied.

A. D. 1783. Inde. U. S. VII.

CHAP. XLI.

An ACT *for staying Execution in Suits against publick Officers on Contracts, and Acts by them made and done in Behalf of the United States, and of this State.*

Passed 21st March, 1783.

Revived and continued 7th Sess. Ch. 28. Expired 1st February, 1785.

CHAP. XLII.

An ACT *for carrying into Effect an Act of Congress, of the 17th Day of February, 1783.*

Passed 21st March, 1783.

Obsolete.

CHAP. XLIII.

An ACT *more effectually to prevent the purchasing or receiving Articles of publick Property, from the Soldiery.*

Passed 21st March, 1783.

BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if any Person or Persons whosoever, within this State, shall directly or indirectly purchase, or shall take or receive for his, her or their own Use, or for the Use of any other Person or Persons, from any non-commissioned Officer or Private of the Army of the United States of *America*, any Arms, Accoutrements, Clothing, or other Munition of War; the Person or Persons so purchasing, taking or receiving, shall forfeit treble the Value of the same, to be sued for and recovered with Costs of Suit, before any Justice of the Peace of the County where the Offence shall arise, by any Person who will sue for the same; the one Moiety thereof to the Prosecutor, and the other to the Use of the Poor of the District where the Conviction shall happen, and be subject to Indictment for an Offence against the People of this State.

Persons purchasing from the Soldiery, to forfeit treble the Value.

One Moiety to the Prosecutor, the other to the Poor.

CHAP. XLIV.

An ACT *to limit the Operation of the* ‡ *Acts to prevent illicit Trade with the Enemy.*

Passed 24th March, 1783.

2d Sess. Ch. 28.
‡ *5th Sess. Ch. 39. and 6th Sess. Ch. 7: Obsolete.*

CHAP. XLV.

An ACT *for the Relief of* Joseph Pierson.

Passed 24th March, 1783.

Private.

CHAP.

A.D. 1783. Inde. U. S. VII.

‡ 5th Sess. Ch. 38. Expired 1st March, 1784.

CHAP. XLVI.

An ACT *to continue the Powers of the Commissioners appointed by an Act, entitled,* ‡ *An* Act *to stay certain Prosecutions, and for the Remission of certain Fines in the County of* Tryon.

Passed 24th March, 1783.

‡ 3d Sess. Ch. 69. Sec. 6.
† 3d Sess. Ch. 26.

CHAP. XLVII.

An ACT *for abolishing the Offices of* ‡ *State-Agent and* † *Commissary of Prisoners.*

Passed 24th March, 1783.

Repealed 12th Sess. Ch. 45. Sec. 2.

CHAP. XLVIII.

An ACT *for Indian Affairs.*

Passed 25th March, 1783.

Obsolete.

CHAP. XLIX.

An ACT *for raising Monies by Tax.*

Passed 25th March, 1783.

Obsolete.

CHAP. L.

An ACT *for the Payment of the Salaries of the several Officers of Government, and of certain contingent Expences of this State.*

Passed 26th March, 1783.

‡ 3d Sess. Ch. 62. Obsolete.

CHAP. LI.

An ACT *to repeal an Act, entitled,* ‡ *An* Act *to revive the Laws appointing Commissioners for detecting and defeating Conspiracies; and to give certain Powers to Magistrates and Courts, in Cases therein mentioned.*

Passed 27th March, 1783.

Private.

CHAP. LII.

An ACT *for the Relief of* John Cantine, *and others.*

Passed 27th March, 1783.

Obsolete.

CHAP. LIII.

An ACT *to prolong* April *Term in the Year* 1783.

Passed 27th March, 1783.

‡ 3d Sess. Ch. 28. Obsolete.

CHAP. LIV.

A supplementary ACT *to the Act, entitled,* ‡ *An* Act *to provide for the Temporary Government of the Southern Parts of this State, whenever the Enemy shall abandon or be dispossessed of the same, and until the Legislature can be convened.*

Passed 27th March, 1783.

A. D. 1784.
Inde. U. S. VIII.

LAWS of the State of NEW-YORK,

Passed in the Seventh Session of the Legislature, held at the City of New-York.

CHAP. I.

An ACT *to lay a Duty of Tonage on Vessels, for defraying the Expence of the Light-House at* Sandy-Hook.

Passed 12th February, 1784.

Amended 8th Sess. Ch. 19. Revived and continued 9th Sess. Ch. 5. Obsolete.

CHAP. II.

An ACT *for the further Relief of* Dirck Janſen *and his Creditors.*

Passed 14th February, 1784.

See 6th Sess. Ch. 23. Private.

CHAP. III.

An ACT *to revive and continue in Force certain Ordinances therein mentioned.*

Passed 19th February, 1784.

Expired 12th May, 1784.

CHAP. IV.

An ACT *for the Regulation of Sales by public Auction.*

Passed 20th February, 1784.

Preamble.

WHEREAS it is neceſſary that Proviſion ſhould be made for the better Regulation of Sales at public Vendue or Auction within this State;

Goods expoſed to Sale at public Vendue to be ſtruck off to the higheſt Bidder, and ſubject to a Duty of 2 & 1-2 per Cent.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Goods, Wares, Merchandize and Effects whatſoever, which ſhall or may, at any Time or Times, from and after the paſſing of this Act, be expoſed to Sale at public Vendue, Auction or Outcry, within this State, by any Vendue-Maſter or Vendue-Maſters, Auctioneer or Auctioneers, or by any Perſon whatſoever, who ſhall be duly qualified and licenced, as by this Act is hereafter preſcribed and directed, ſhall be ſtruck off to the higheſt Bidder; and ſhall be, and hereby are declared to be made ſubject to a Duty of *Two Pounds Ten Shillings* for every Hundred Pounds of the Value or Price at which the ſame ſhall be ſold as aforeſaid, and at and after the ſame Rate, for every greater or leſſer Sum, to be paid by ſuch Perſon or Perſons, who ſhall ſo ſell and diſpoſe of the ſame; and in all Caſes where the Vendue Maſter or Auctioneer, or the Owner or Owners of ſuch Goods ſo expoſed to Sale, or any Perſon or Perſons employed by them, or any or either of them, ſhall be the higheſt Bidder, the ſaid Goods ſhall be ſubject to the Payment of the ſaid Duties as if they had been ſold to any other Perſon.

No Perſon to ſell Goods at Vendue without Licence.

II. *And be it further Enacted by the Authority aforeſaid,* That no Perſon or Perſons whatſoever, other than ſuch Perſon or Perſons authoriſed and licenced in the Manner herein after preſcribed, ſhall, from and after the paſſing of this Act, ſell, diſpoſe of, or expoſe to Sale, at public Vendue, Auction or Outcry, within this State, any Goods, Wares, Merchandize or Effects whatſoever; and that it ſhall and may be lawful, to and for the Perſons herein after mentioned and deſcribed, by Licence, under their Hands

 reſpectively,

A. D. 1784. Inde. *U. S.* VIII.

By whom Licences are to be granted.

reſpectively, to authoriſe and empower ſuch Perſon or Perſons, Citizen or Citizens of this State, or any other of the United States of *America*, as ſhall or may apply for the ſame, qualified as in and by this Act is required and preſcribed, to act as Vendue-Maſter or Vendue-Maſters, Auctioneer or Auctioneers, in the Counties in which ſuch Perſon or Perſons granting ſuch Licence or Licences, ſhall reſpectively be Mayor, Recorder or Judge: *That is to ſay*, in the City and County of *New-York*, the Mayor thereof, or in Caſe of a Vacancy in the ſaid Office, the Recorder of the ſaid City and County for the Time being; in the City of *Albany*, the Mayor thereof, or in Caſe of Vacancy in the ſaid Office, the Recorder of the ſaid City for the Time being; and in the County of *Albany*, and in the other Counties the firſt Judge of the Inferior Court of Common Pleas of the ſaid Counties, or in Caſe of a Vacancy in the ſaid Office, or Abſence of ſuch Judge, either of the Judges of ſuch Court in the ſaid Counties reſpectively.

Perſons applying for Licences,

To enter into Recognizance.

III. *And be it further Enacted by the Authority aforeſaid*,, That no Licence ſhall be granted to any Perſon or Perſons in the Manner herein before mentioned, until ſuch Perſon or Perſons applying for ſuch Licence, ſhall have entered into a Recognizance to the People of the State of *New-York*, with two ſufficient Freeholders as Sureties, before the Mayor, Recorder, or Judge, who ſhall grant ſuch Licence, in the Sum of *Two Thouſand Pounds*, lawful Money of the ſaid State; conditioned for the Payment of the Duty herein before mentioned, to the Treaſurer of the State for the Time being; and alſo that the Perſon or Perſons licenced as Vendue-Maſter or Vendue-Maſters, Auctioneer or Auctioneers, ſhall in all Things, well, truly and faithfully, behave and conform himſelf or themſelves, according to the true Intent and Meaning of this Act: Of the Record of which Recognizance, the Mayor, Recorder or Judge, before whom the ſame is taken, ſhall make Duplicates, one whereof to be delivered as ſoon as conveniently may be, to the Treaſurer of this State, and the other to be retained by ſuch Mayor, Recorder or Judge, in his own Poſſeſſion.

[*The Remainder of this Clauſe, requiring Perſons applying for Licences to produce a Certificate of their Characters, is repealed, 9th Seſſ. Ch. 29. Sec. 2. and the next Clauſe, being the fourth Section of this Act, is repealed, 8th Seſſ. Ch. 80. Sec. 13. and provided for by Sec. 14 and 15 of the ſame Act.*]

Auctioneers neglecting or refuſing to account and pay the Duties as required, forfeit 300l. for each Offence.

To be ſued for by the Treaſurer,

And the Auctioneers to forfeit their Licences.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Vendue-Maſter or Vendue-Maſters, Auctioneer or Auctioneers, ſhall neglect or refuſe to deliver ſuch Account on Oath, and to pay the Duty within the Time limited as aforeſaid; he or they ſo neglecting or refuſing, ſhall reſpectively forfeit *Three Hundred Pounds*, lawful Money of this State, for every ſuch Offence; which Forfeiture the Treaſurer of the State for the Time being, is hereby empowered and directed to ſue for and recover, in the Name of and for the People of this State, in any Court of Record within the ſame; and every Vendue-Maſter or Vendue-Maſters, Auctioneer or Auctioneers, who ſhall neglect or refuſe to render ſuch Account, and pay the Duty according to the true Intent and Meaning of this Act, ſhall be deemed for ſuch Neglect or Refuſal to have forfeited his or their Licence, and be thereafter diſqualified from acting as a Vendue-Maſter or Auctioneer, by Virtue thereof.

Penalty for ſelling Goods at Vendue without Licence.

VI. *And be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons, who ſhall preſume to ſell or diſpoſe of any Goods, Wares, Merchandize or Effects, by Way of public Vendue, Auction or Outcry, without having previouſly obtained a Licence as in and by this Act is before directed and preſcribed, ſhall forfeit the Sum of *Fifty Pounds*, like Money aforeſaid, for each reſpective Article ſo expoſed to Sale; to be recovered in Manner as is herein before directed.

VII. *Provided*

A. D. 1784.
Inde. *U. S.* VIII.

VII. *Provided always, and be it further Enacted by the Authority aforesaid,* That no Vendue-Master or Vendue-Masters, Auctioneer or Auctioneers, shall expose to Sale by public Vendue, Auction or Outcry, within the Cities of *New-York*, or of *Albany*, any Goods, Wares, Merchandize or Effects, liable to the Duty aforesaid, but at their respective Houses or Stores, except Rum, Wine, Brandy, Molasses, Indigo, Rice, Coffee, Cotton, Sugar, Cordage, Tobacco, Mahogany, Logwood, Brasilletto, Fustick, Camwood, Earthen Ware in Crates or Casks, and Provisions in Casks, under the Penalty of *Ten Pounds*, like Money as aforesaid, for every such Offence, to be recovered in Manner as is herein before directed.

Vendue-Masters in *New-York* and *Albany* to expose to sale by Vendue, at their Houses only. Articles excepted.

On Penalty.

VIII. *And be it further Enacted by the Authority aforesaid,* That any and every Vendue-Master or Vendue-Masters, Auctioneer or Auctioneers, who shall receive or accept of any higher or further Reward for his or their Service in the Sale or Disposal of any Goods, Wares, Merchandize or Effects, which shall or may be committed to his or their Care and Management, than at and after the Rate of *Two Pounds Ten Shillings* for every Hundred Pounds in Value, to which the said Goods, Wares, Merchandize or Effects, by him or them actually sold and disposed of, shall amount; unless a previous Agreement be made in Writing between the Owner of such Goods, Wares, Merchandize or Effects, and such Vendue-Master or Auctioneer, for a higher or further Reward, shall forfeit the Sum of *One Hundred Pounds* like Money as aforesaid, for every such Offence; which Forfeiture shall be recovered in the Manner herein before directed.

Auctioneers to receive no higher Reward for their Services than 2 & 1-2 per Cent.

Unless a previous Agreement made.

Penalty.

IX. *Provided always, and it is hereby Enacted by the Authority aforesaid,* That all Lands and Tenements, and Goods, belonging to this State, or the United States of *America*, and all Goods and Chattels which shall or may be seized by any public Officer, for or on Account of any Forfeiture or Forfeitures, Penalty or Penalties, Ships and Vessels, Goods and Effects of deceased Persons, or Goods distrained for Rent or taken in Execution, Effects of insolvent Debtors, Utensils of Husbandry, Goods damaged at Sea, and sold for the Benefit of the Owners or Insurers, within twenty Days after the same shall be landed, under the Inspection of the Master and Port-Wardens of the Port of *New-York*, or of such Inspector or Inspectors as are herein after mentioned; Horses, neat Cattle, Hogs, Sheep, and also all Articles the Growth, Produce or Manufacture of this State, shall in no wise be subject to, but are hereby exempted and declared free from the Duty above mentioned, and may be sold by any Person or Persons being a Citizen or Citizens of this State, in any Part of this State, other than the City and County of *New-York*, any Thing herein before contained to the Contrary in any Wise notwithstanding. And that Goods damaged at Sea, and sold for the Benefit of the Owners or Insurers, in any other City or County in this State than the City of *New-York*, shall be sold under the Inspection of such Person or Persons as shall be thereunto appointed by the Civil Officers in such City or County respectively, who by this Act are authorised to grant Licences to Vendue-Masters or Auctioneers; and the said Civil Officers are hereby authorised and required to appoint, in each such City or County, one or more, not exceeding three discreet Persons, to be Inspectors of such damaged Goods as aforesaid.

Articles exempted from the Duty,

And may be sold by any Citizens of the State.

X. *And be it further Enacted by the Authority aforesaid,* That no Bellman, or Crier, shall be employed at any Vendue or Auction in the City of *New-York*, except at the Sale of such Articles as by this Act are allowed to be sold at other Places than the Residence of the respective Vendue-Masters or Auctioneers; and that every Person acting as Bellman, or Crier, at any Vendue or Auction in the City of *New-York*, except as before excepted, shall forfeit and pay for every such Offence, the Sum of *Twenty Shillings*, with Costs of Suit,

Bellmen or Criers, when to be employed.

Penalty.

A. D. 1784. Indo. U. S. VIII.

Suit, to any Perſon who will *firſt* ſue for the ſame, before any of the Aldermen of the ſaid City.

Officers Fees on Licences and Recognizances.

XI. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, Recorder, or Judge, who ſhall grant ſuch Licence and take ſuch Recognizance in Manner as by this Act is required, ſhall not exact or receive any greater or other Fees than the Sum of *Ten Shillings*, for taking the ſaid Recognizance, and granting the ſaid Licence as aforeſaid.

Treaſurer to keep Accounts of Monies received.

XII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of the State for the Time being, ſhall, and is hereby required, to keep exact and diſtinct Accounts of the Monies to ariſe from Time to Time, by Virtue of this Act.

Penalty on Perſons guilty of Fraud or Deceit, in executing this Act.

XIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall be guilty of any Fraud or Deceit in the Execution of this Act, or in eluding or defeating the Operation thereof; ſuch Perſon ſhall, on being legally convicted thereof, forfeit the Sum of *Five Hundred Pounds*, as a Penalty for every ſuch Offence; when recovered, to be paid, the one Half to the Treaſurer of the State, for the Uſe of the State, and the other Half to the Uſe of the Perſon who ſhall ſue for the ſame.

CHAP. V.

Repealed as to Queen's *County, 10th Seſſ. Ch* 17. *Sec.* 5. *Remainder of this Act is obſolete.*

An ACT *relative to the Gaols in* Suffolk, King's, Queen's, Richmond *and* Weſtcheſter *Counties, and for other Purpoſes therein mentioned.*

Paſſed 2d March, 1784.

CHAP. VI.

Obſolete.

An ACT *relative to the Courts of Common Pleas and General Seſſions of the Peace, for the City and County of* New-York, *and the other Counties therein mentioned.*

Paſſed 2d March, 1784.

CHAP. VII.

15th Seſſ. Ch. 36.

An ACT *to repeal the fourteenth Section of the Act, entitled,* ‡ *An* Act *to empower Juſtices of the Peace, Mayors, Recorders and Aldermen, to try Cauſes to the Value of* Ten Pounds *and under, and to repeal ſundry Acts therein mentioned.*

Paſſed 12th March, 1784.

CHAP. VIII.

An ACT *to enable the Freeholders of the Town of* Huntington, *to hold their annual Town Meetings on the firſt* Tueſday *in* April.

Paſſed 17th March, 1784.

Preamble.

WHEREAS the Truſtees of the Freeholders and Commonalty of the Town of *Huntington*, in *Suffolk* County, by their Petition in Behalf of themſelves and the ſaid Freeholders, have ſet forth, that by their Charter, bearing Date the fifth Day of *October*, in the Year of our Lord One Thouſand Six Hundred and Ninety-four, they are obliged to hold their annual Town Meetings on the firſt *Tueſday* in *May*, which is found to be attended with great Inconvenience, and have prayed the Legiſlature to enable them to hold the ſaid Meetings at an earlier Period;

Be

A. D. 1784. Inde. U. S. VIII.

Be it therefore Enacted by the People of the State of New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That from and after the passing of this Act, it shall and may be lawful, to and for the Freeholders and Inhabitants of the Town of *Huntington* aforesaid, to hold their annual Town Meetings on the first Tuesday in *April* in every Year, and and on no other Day; and then elect Trustees, a Supervisor, Town-Clerk, Assessors, Constables, Overseers of the Poor, Overseers of the Highways, and Fence Viewers; and at such annual Town Meetings, to make all such Rules and Regulations respecting the said Town, and to transact all such Business in the same Manner as it was lawful for them to do at their annual Town Meetings heretofore; any Law, Usage or Custom, to the Contrary in any wise notwithstanding.

Annual Town-Meetings of *Huntington* to be held on the first Tuesday in *April*.

CHAP. IX.

An ACT *to remove Doubts which may have arisen respecting the Charter Rights of the Minister, Elders and Deacons of the Reformed Protestant Dutch Church of the City of* New-York,; *in Consequence of the late Invasion of this State.*

Passed 17th March, 1784.

WHEREAS the Operation of the Charter of Incorporation, to the Minister, Elders and Deacons, of the Reformed Protestant Dutch Church, of the City of *New-York*, granted by the late King *William* the Third, bearing Date the 11th Day of *May*, in the Year of our Lord One Thousand Six Hundred and Ninety-six, hath been suspended by the War lately waged by the present King of *Great-Britain*, against the United States of *America*; in Order therefore to put the said Corporation, in the same State of Activity which they enjoyed at the Commencement of the said War,

Preamble; Reciting the Suspension of the Operation of the Charter, by Means of the late War.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the said Charter, and all and singular the Estates, Rights, Powers, Authorities, Liberties, Privileges, Franchises, Preheminences and Immunities thereby granted and confirmed, and which the said Corporation and the Members thereof, did actually hold, exercise and enjoy on the nineteenth Day of *April*, One Thousand Seven Hundred and Seventy-five, by Virtue of the said Charter, or by Virtue of any Act of the Legislature of this State, whilst the same was the Colony of *New-York*, shall be, continue and enure in full Force, Virtue and Efficacy, to all Intents, Constructions and Purposes in the Law whatsoever, notwithstanding any Non-user or Mis-user thereof, or of any Part thereof, between the eighteenth Day of *April*, One Thousand Seven Hundred and Seventy-five, and the Day of the passing of this Act. And that all and singular the Members of the said Corporation, shall be fully able and capable in the Law, to exercise all and singular the Powers and Authorities, to their several and respective Offices and Places belonging, as well as their joint and several Authorities in the Election or Appointment of such Officers as ought to have been elected or appointed by them, jointly, or by any one or more of them separately, at such Times as are directed by the said Charter or the said Laws, notwithstanding any Want of Conformity to the said Charter or the said Laws, in such Election or Appointments, or either of them. And that the Minister, Elders and Deacons, who from an Adherence to the Cause of their Country, were compelled by the *British* Army to leave the said City, or such of them as since the Evacuation of the said City by the said Army, returned thereto, shall be taken and deemed to be the Minister, Elders and Deacons, of the Reformed Protestant Dutch Church of the City of *New-York*, until others shall be appointed or elected in their Stead, according to the said Charter.

The said Charter continued, notwithstanding any Non-user or Mis-user, between the 18th *April* 1775, and the passing this Act.

Who to be deemed the present Minister, Elders and Deacons of said Church.

A. D. 1784. Inde. U. S. VIII.

II. *And whereas* there is contained in the ſaid Charter or Letters Patent, a Clauſe giving Power to the ſaid Miniſter, Elders and Deacons, by and with the Conſent and Advice of the Members in Communion of the ſaid Church, or the major Part of them, to make Rates and Aſſeſſments upon all and every of the Members in Communion of the ſaid Church, for the Purpoſe of raiſing Money for the Payment of the yearly Stipends and Salaries of the reſpective Officers of the ſaid Church; and alſo for repairing, amending and enlarging the ſaid Church and Steeple, Belfrey, Cemetry or Church-Yard, and other Things neceſſary, belonging to the ſaid Church; which Power having heretofore never been exerciſed, and the preſent Miniſter, Elders and Deacons being willing to ſurrender the ſame; *Be it therefore further Enacted by the Authority aforeſaid*, That the aforeſaid Power ſhall not at any Time hereafter be exerciſed by the preſent Miniſter, Elders and Deacons or their Succeſſors, but ſhall be, and the ſame is hereby altogether abrogated, repealed and annulled.

Power of raiſing Money on the Members of the ſaid Church abrogated.

CHAP. X.

Repealed 8th Seſſ. Ch. 7. Sec. 30. 10th Seſſ. Ch. 81. Sec. 38.

An ACT *impoſing Duties on the Importation of certain Goods, Wares and Merchandize.*

Paſſed 22d March, 1784.

CHAP. XI.

Repealed 11th Seſſ. Ch. 73. Sec. 4.

An ACT *declaring the Eaſt Ward of the Manor of* Cortlandt, *and the Diſtrict of* Salem, *in the County of* Weſtcheſter, *to be two Townſhips, in Manner therein deſignated.*

Paſſed 26th March, 1784.

CHAP. XII.

An ACT *to appropriate certain Buildings to public Uſes.*

Paſſed 29th March, 1784.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Iſland called *Governor's* or *Nutten-Iſland*, ſhall be, and the ſame hereby is aſſigned to, and for the Uſe of the Governor or Perſon adminiſtring the Government of this State for the Time being, to be held and poſſeſſed by him until the Legiſlature ſhall otherwiſe order and direct; and that it ſhall and may be lawful to and for the Governor or Perſon adminiſtring the Government, to have and take the Charge and Superintendance of *Fort-George*, in the City of *New-York*, and other Fortifications and public Works and Buildings, within the ſaid City, erected for military Purpoſes, on Lands which are the Property of the State, and to give ſuch Orders and Directions from Time to Time as he may deem neceſſary to ſecure and preſerve the ſaid Fort, Fortifications, public Works and Buildings, from Waſte and Deſtruction.

Nutten-Iſland aſſigned to the Uſe of the Governor.

The Governor to have the Charge of the Fort and public Works in the City of *New-York*.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful, to and for the Commiſſioners of Forfeitures for the Southern Diſtrict, or any one of them, to ſet apart and aſſign ſuch one of the Houſes forfeited to the People of this State, with the Stables and other Buildings thereunto belonging, as his Excellency the Governor ſhall make choice of for his Reſidence, except the Houſe and Buildings hereafter aſſigned for the Uſe of the Secretary of this State.

Commiſſioners of Forfeitures to ſet apart and aſſign a Houſe, &c. to the Governor. *See 7th Seſſ. Ch. 64. Sec. 58.*

III. *And*

A. D. 1784.
Inde. *U. S.* VIII.

III. *And be it further Enacted by the Authority aforeſaid*, That the Lot of Ground, with the Dwelling Houſe, Out Houſes, Stables and other Buildings, thereon erected, ſituate on the Weſt Side of the Street commonly called the Broad-way, in the Ward diſtinguiſhed by the Name of the Weſt Ward, and now veſted in the People of this State, by the Attainder of *William Axtell*, Eſq; late one of the Members of the Council of the Colony of *New-York*, ſhall be, and hereby is appropriated to the Uſe of the Secretary of this State, until the Expiration of two Years, from and after the laſt Day of *April* next, for the Accommodation of his Family, and as a Depoſit for the Archives and Records of this State, unleſs other Proviſion ſhall ſooner be made by Law in the Premiſes. And the Commiſſioners of Forfeitures for the Southern Diſtrict, or any one of them, are hereby authoriſed and required, without Delay, to put the Secretary of this State for the Time being into the Poſſeſſion of the ſaid Lot of Land, and of the Dwelling Houſe, Out Houſes, and other Buildings thereon erected; any Law to the Contrary notwithſtanding.

A Houſe and Lot appropriated to the Uſe of the Secretary.

CHAP. XIII.

An ACT *to divide the Eaſt Diſtrict of the Manor of* Renſſelaerwyck, *in the County of* Albany.

Paſſed 29th March, 1784.

Repealed 11th Seſſ. Ch. 73. Sec. 4.

CHAP. XIV.

An ACT *to continue and amend an Act, entitled,* ‡ *An Act for the Appointment of an Auditor, and the Settlement of the public Accounts of this State.*

Paſſed 30th March, 1784.

‡ *5th Seſſ. Ch. 21. Expired 23d* March, 1786.

CHAP. XV.

An ACT *concerning the preſent Seſſions of Oyer and Terminer and General Gaol Delivery, now holding in and for the City and County of* New-York.

Paſſed 30th March, 1784.

Obſolete.

CHAP. XVI.

An ACT *to empower the Surveyor General of this State, to procure the Maps, Papers and Records, which appertained to the Offices of Surveyor General, or Receiver General of the late Colony of* New-York.

Paſſed 2d April, 1784.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful to and for the Executors or Adminiſtrators of *Alexander Colden*, Eſquire, late Surveyor General of the Colony of *New-York*, and they are hereby ſeverally required, to deliver to the Surveyor General of this State for the Time being, or to his Order, all Papers, Books, Maps and Records, together with the Cheſts, Trunks and Boxes in which the ſame may be contained, which they or any of them may be in poſſeſſion of, and which did appertain to the Office of Surveyor General of the ſaid Colony, or to the Office of Receiver General of the ſame.

Executors, &c. of *Alexander Colden* to deliver official Papers to the Surveyor-General.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Secretary of this State for the Time being, and he is hereby required to deliver to the Surveyor General of this State for the Time being, or to his Order, all ſuch Papers, Books, Maps and Records, which may

Secretary of the State to deliver the official Papers of the Surveyor and Receiver General of the late Colony, to the preſent Surveyor General.

A. D. 1784. Inde. U. S. VIII.

may be in Cuſtody of the ſaid Secretary, and which did heretofore appertain to the Office of Surveyor General, or to the Office of Receiver General of the late Colony of *New-York*, together with the Cheſts, Trunks and Boxes in which ſuch Papers may be contained.

Others authoriſed to deliver certain Papers, &c. to the Surveyor General.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any other public Officer or private Perſon whatſoever, into whoſe Cuſtody any Papers, Books, Maps and Records whatever may have come, appertaining to the ſaid Offices of Surveyor General, or Receiver General of the late Colony of *New-York*, and they are hereby required to deliver the ſame to the Surveyor General of this State for the Time being, or to his Order.

Secretary to give Copies of Patents and Papers to the Surveyor General.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Secretary of this State ſhall from Time to Time, when thereunto required by the Surveyor General of this State, furniſh the ſaid Surveyor General with certified Copies or Extracts of ſuch Patents, Indian Purchaſes, Locations, Surveys and other Papers as he ſhall from Time to Time ſignify that he ſtands in need of, in Order more effectually to execute the Truſt repoſed in him as Surveyor General.

CHAP. XVII.

An ACT *to alter the Names of the Counties of* Tryon *and* Charlotte.

Paſſed 2d April, 1784.

Tryon to be called *Montgomery*, *Charlotte* to be called *Waſhington*.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the paſſing of this Act, the County of *Tryon* ſhall be called and known by the Name of MONTGOMERY, and the County of *Charlotte* ſhall be called and known by the Name of WASHINGTON.

Alteration of Names not to affect Proceſs.

II. *And be it further Enacted by the Authority aforeſaid*, That all Writs, Precepts and other Proceſs iſſued out, and from the inferior Courts of Common Pleas, and the Courts of General Seſſions of the Peace in the ſaid Counties, in and by the Name of the County of *Tryon*, and in and by the Name of the County of *Charlotte*, ſhall be and remain in the ſame State and Condition, as if the ſame had been iſſued from the ſaid Courts by the Name of the County of MONTGOMERY, and by the Name of the County of WASHINGTON, and that all Perſons bound by Recognizance to appear in the ſaid Courts of General Seſſions of the Peace, ſhall appear in like Manner, as if the Name of the ſaid Counties had not been changed; any Thing in any former Acts contained to the Contrary notwithſtanding.

CHAP. XVIII.

Altered as to the Dutch Churches, 11th Seſſ. Ch. 61.

An ACT *to enable all the Religious Denominations in this State to appoint Truſtees, who ſhall be a Body Corporate, for the Purpoſe of taking care of the Temporalities of their reſpective Congregations, and for other Purpoſes therein mentioned.*

Paſſed 6th April, 1784.

Preamble,

Reciting 38th Article of the Conſtitution.

WHEREAS by the Thirty-eighth Article of the Conſtitution of the State of *New-York*, it is ordained, determined and declared, that the free Exerciſe and Enjoyment of religious Profeſſion and Worſhip, without Diſcrimination or Preference, ſhould forever thereafter be allowed within this State to all Mankind, Provided that the Liberty of Conſcience thereby granted, ſhould not be ſo conſtrued, as to excuſe Acts of Licentiouſneſs, or juſtify

A. D. 1784.
Inde. *U. S.* VIII.

juſtify Practices inconſiſtent with the Peace or Safety of this State; *And whereas* many of the Churches, Congregations and religious Societies in this State (while it was a Colony) have been put to great Difficulties to ſupport the public Worſhip of God, by Reaſon of the illiberal and partial Diſtributions of Charters of Incorporation to religious Societies, whereby many charitable and well diſpoſed Perſons have been prevented from contributing to the Support of Religion, for Want of proper Perſons authoriſed by Law, to take Charge of their pious Donations, and many Eſtates purchaſed and given for the Support of religious Societies, now veſt in private Hands, to the great Inſecurity of the Society, for whoſe Benefit they were purchaſed or given, and to the no leſs Diſquiet of many of the good People of this State: *And whereas* it is the Duty of all Wiſe, Free and Virtuous Governments, to countenance and encourage Virtue and Religion, and to remove every Lett or Impediment to the Growth and Proſperity of the People, and to enable every religious Denomination to provide for the Decent and Honorable Support of Divine Worſhip, agreeable to the Dictates of Conſcience and Judgment;

Difficulties to which religious Societies have been put to for Want of Incorporation.

The Duty of Government to encourage Virtue and Religion.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That from and after the paſſing of this Act, it ſhall and may be lawful to and for the Male Perſons of full Age, belonging to any Church, Congregation or religious Society not already eſtabliſhed within this State, or which may at any Time hereafter be within the ſame, to aſſemble and meet together, at the Church, Meeting-Houſe or other Place where they ſtatedly attend for Divine Worſhip, and then and there by Plurality of Voices, to elect, nominate and appoint any Number of diſcreet and prudent Perſons of their Church, Congregation or Society, not leſs than three or exceeding nine in Number as Truſtees, to take the Charge of the Eſtate and Property belonging to their reſpective Churches, Congregations or religious Societies, and to tranſact all Affairs relative to the Temporalities of their reſpective Churches, Congregations or Societies: That at ſuch Election, every Male Perſon of full Age, who has ſtatedly worſhipped with the ſaid Church, Congregation or Society, and has formerly been conſidered as belonging thereto, ſhall be entitled to a Voice at ſuch firſt Election.

Religious Societies authoriſed to chuſe not leſs than 3 nor more than 9 Truſtees;

Who are to take Care of the Temporalities.

II. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Election ſo to be held as aforeſaid, ſhall be conducted in the following Manner, *to wit*; The Miniſter of the ſaid Church, Congregation or Society, or in Caſe of his Death or Abſence, one of the Elders or Deacons, Church Wardens or Veſtrymen of the ſaid Church, Congregation or Society, and for Want of ſuch Officers any other Perſon being a Member or a ſtated Hearer in ſuch Church, Congregation or Society, ſhall publicly notify the Congregation of the Time when, and Place where the ſaid Election ſhall be held, at leaſt fifteen Days before the Day of Election; that the ſaid Notification ſhall be given for two ſucceſſive Sabbaths, or Days on which ſuch Church, Congregation or Society ſtatedly meet for public Worſhip, preceding the Day of Election, that on the ſaid Day of Election two of the Elders or Church Wardens of the ſaid Church, Congregation or Society, ſhall preſide at ſuch Election, receive the Votes of the Electors, be the Judges of the Qualification of ſuch Electors, and the Officers to return the Names of the Perſons, who by the Plurality of Voices ſhall be elected to ſerve as Truſtees for the ſaid Church, Congregation or Society; and in Caſe there ſhould be no Elders or Church Wardens in the ſaid Church, Congregation or Society, at the Time of ſuch Election, then and in ſuch Caſe, two of the Deacons or Veſtrymen of the ſaid Church, Congregation or Society, ſhall preſide at ſuch Election, receive the Votes and judge of the Qualification of the Electors, and be the returning Officers; and in Caſe there ſhall be no ſuch Officers in

Election of Truſtees, how to be conducted.

A.D. 1784. Inde. *U. S.* VIII.

such Church, Congregation or Society, then it shall and may be lawful for the said Electors to nominate and elect by Plurality of Voices, two of the Members of the said Church, Congregation or Society, to hold the said Election, and be the returning Officers as aforesaid.

Returning Officers to certify the Names of Persons elected Trustees.

III. *And be it further Enacted by the Authority aforesaid*, That the said returning Officers, who shall hold the said Election, shall immediately after the said Election certify under their Hands and Seals, the Names of the Persons elected to serve as Trustees for the said Church, Congregation or Society, in which Certificate the Stile, Name, or Title by which the said Trustees and their Successors shall for ever thereafter be called, distinguished and known, shall be particularly mentioned and described; which said Certificate, being first duly proved or acknowledged before the Chancellor of this State, or one of the Judges of the Supreme Court, or any one of the Judges of the Inferior Court of Common Pleas of the County, for the Time being, in the Manner Deeds or other Writings have been usually proved or acknowledged, shall be forthwith recorded by the Clerk of the County, for the Time being, in a Book to be kept by him for that Purpose; for which Service, a Fee of *Six Shillings* may be taken, and no more.

Certificates to be proved or acknowledged,

And recorded by County-Clerk.

The Duty of the Trustees,

IV. *And be it further Enacted by the Authority aforesaid*, That the said Persons so to be elected, returned and registered, shall be, and hereby are declared to be the Trustees for the said Church, Congregation or Society, for which they shall be so chosen, and shall be, and hereby are authorised and empowered to take into their Charge, Care, Custody and Possession, all the Temporalities belonging to the said Church, Congregation or Society, for which they shall be elected Trustees, whether the same consist of Lands, Tenements, Hereditaments, Goods or Chattels, and whether the same shall have been given, granted or devised directly to the said Church, Congregation or Society, or to any Person or Persons in Trust, to and for their Use; and altho' such Gift, Grant or Devise may not have strictly been agreeable to the rigid Rules of Law, or might, on strict Construction, be defeated by the Operation of the Statutes of *Mortmain*; and that the said Trustees, from the Time of their Election as aforesaid, and their Successors for ever thereafter, shall be a Body Politic and Corporate, and shall be able and capable in the Law, to hold, maintain and recover all their Estates, Rights and Privileges, of what Name or Kind soever, and to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the Name, Stile and Title mentioned and described in the said Certificate so to be recorded as aforesaid, in all Suits, Quarrels, Controversies, Causes, Actions, Matters and Things whatsoever, in any Court or Courts of Common Law or Equity whatsoever; and by the same Name, Stile and Title, they and their Successors shall lawfully have, hold, use, exercise and enjoy, all and singular the Churches, Meeting-Houses, Parsonages, Burying-Places and Lands thereunto belonging, with the Hereditaments and Appurtenances heretofore by the said Church, Congregation or Society held, occupied or enjoyed, by whatsoever Name or Names, Person or Persons, the same were purchased and had, or to them given or granted, or by them or any of them used and enjoyed for the Uses aforesaid, to them and their Successors, to the sole and only proper Use and Benefit of them the said Trustees and their Successors for ever, in as full, firm and ample a Manner in the Law, as if the said Trustees had been legally incorporated, and made capable in the Law, to take, receive, purchase, have, hold, use and enjoy the same, at and before the purchasing, taking, receiving and holding of the said Churches, Meeting-Houses, Parsonages, Burying-Places and Lands thereunto belonging, and lawfully had, held and enjoyed the same; any Law, Usage or Custom to the Contrary hereof, in any wise notwithstanding.

And their Powers as a Body Politic respecting Estates, heretofore held.

V. *And*

A.D. 1784.
Inde. *U. S.* VIII.

V. *And be it further Enacted by the Authority aforesaid*, That the said Trustees, and their Successors, by the same Name, Stile and Title, from the Time of their Election as aforesaid, shall have full Power, good Right and lawful Authority, to have, take, receive, acquire, purchase, use and enjoy Lands, Tenements and Hereditaments, Goods and Chattels, and to demise, lease and improve the said Lands, Tenements and Hereditaments, and to use and improve such Goods and Chattels to the Benefit and Use of the said Church, Congregation or Society, and other pious Uses, not exceeding *Twelve Hundred Pounds* yearly Rent or Income; any Law, Usage or Custom to the Contrary hereof, in any wise notwithstanding; and that it shall and may be lawful for the said Trustees and their Successors, to build and erect Churches or Meeting-Houses on their said Lands, and to alter, enlarge or amend the same or any Part thereof, and also to erect and build Dwelling-Houses for the Use of their Ministers, and School-Houses and other Buildings for the Use of the said Churches, Congregations or Societies, as to the said Trustees and their Successors shall from Time to Time appear necessary.

Trustees Power to receive and enjoy Estates not exceeding 1200l. per Annum,

And to build Houses for Worship, and certain other Houses.

VI. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the said Trustees and their Successors, forever hereafter, to have and use a common Seal, and the same to alter, break and new make at their Discretion; and also, that it shall and may be lawful for the said Trustees and their Successors, or any two of them, at any Time or Times, and as often as it shall be needful, to call a Meeting of the said Trustees, and that the Majority of the said Trustees when met, shall be a sufficient Quorum, and shall have Power to make such Rules and Orders for the managing the temporal Affairs and Concerns of the said Church, Congregation or Society, as they or the major Part of them so met, shall agree upon, and shall have the sole Disposition and ordering of all Payments of the Monies belonging to the said Church, Congregation or Society, and also the Power of appointing a Clerk and Treasurer to the said Board of Trustees, and also a Collector to collect and receive the Rents and Revenues of the said Church, Congregation or Society; and the said Clerk, Treasurer or Collector, at their Pleasure, to remove, and to elect and chuse others in their Room and Stead; all which Orders, Rules and Payments shall be honestly and fairly kept by the said Clerk, in Books to be provided for that Purpose; and that the Majority of the said Trustees, so met as aforesaid, shall have Power to establish and regulate the Fees that shall be allowed to the said Clerk, Treasurer and Collector, and also to regulate and order the Renting the Pews in the said Churches or Meeting-Houses, and the Perquisites of the said Church, Congregation or Society, arising for the Breaking of the Ground in the Cemetery or Church Yards, and in the Churches or Meeting-Houses for burying the Dead, and all other Matters, touching and concerning the temporal Concerns and Revenues of the said Churches, Congregations and Societies respectively.

Trustees to have a common Seal.

Majority of Trustees met, to be a Quorum, to manage temporal Affairs of the Society and to appoint Officers, and remove them.

Clerk's Duty.

Fees.

Pew Rents and Perquisites, how regulated.

VII. AND to the End, that a perpetual Succession of Trustees may be maintained and kept up in the said Churches, Congregations and Societies respectively; *Be it further Enacted by the Authority aforesaid*, That the Trustees first to be chosen as aforesaid, shall continue in Office for the Space of three Years, to be computed from the Day of their Election; and that immediately after the said first Election, the said Trustees shall be divided by Lot into three Classes, numbered one, two and three; and that the Seats of the Member or Members of the first Class, shall be vacated at the Expiration of the first Year; the Member or Members of the second Class, at the Expiration of the second Year; and the Member or Members of the third Class, at the Expiration of the third Year; to the End, that the third Part of the whole Number of Trustees, as nearly as possible, may be annually chosen.

Perpetual Succession of Trustees, how to be kept up.

VIII. *And*

A. D. 1784. Inde. U. S. VIII.

VIII. *And in Order* to ſupply and fill up the ſeveral Vacancies in the ſaid Board of Truſtees as they ſhall ariſe; *Be it further Enacted by the Authority aforeſaid*, That the ſaid Truſtees for the Time being, or the major Part of them, ſhall, from Time to Time, notify in Writing, the Miniſter for the Time being, and in Caſe of his Death or Abſence, the Elders or Church-Wardens, and in Caſe there ſhall be no Elders or Church-Wardens, the Deacons or Veſtrymen of any ſuch Church, Congregation or Society, of ſuch Vacancies, ſpecifying the Names of the Truſtees, whoſe Times will expire at leaſt one Month before ſuch Vacancies ſhall happen, and that the ſaid Miniſter, and in Caſe of his Death or Abſence, one of the ſaid Elders or Church-Wardens, or Deacons or Veſtrymen, ſhall in Manner aforeſaid, proceed to notify the Members of the ſaid Church, Congregation or Society, of ſuch Vacancies, and appoint the Time and Place for the Election of new Truſtees to fill up the ſame, which Election ſhall be held at leaſt ſix Days before ſuch Vacancies ſhall happen; and that at all ſuch future Elections, two of the Elders or Church-Wardens of the ſaid Church, Congregation or Society, and in Caſe there ſhall be no Elders or Church-Wardens, two of the Deacons or Veſtrymen, and in Caſe there ſhall be no ſuch Officers, then ſuch other Perſons ſo to be elected returning Officers as aforeſaid, ſhall preſide and receive the Votes of the Electors, judge of the Qualifications of the ſaid Electors, and be the returning Officers as aforeſaid; and that a Certificate under the Hands and Seals of the ſaid returning Officers, ſpecifying the Names of the Perſons elected to fill up ſuch Vacancies, ſhall entitle the ſeveral Perſons elected to a Seat at the Board of the ſaid Truſtees; and in Caſe any of the Truſtees ſhall refuſe to act, die or remove within the Year, it ſhall be lawful for the male Electors of the ſaid Church, Congregation or Society, at any Time after ſuch Contingency ſhall happen, to aſſemble and meet together, upon Notice to be given in Manner aforeſaid, and then and there by Plurality of Voices, to elect and appoint others to fill up ſuch Vacancy or Vacancies, who ſhall have full Power and Authority to do, execute and perform the Office of Truſtee or Truſtees, in the Place of ſuch as he or they ſhall be ſo choſen to ſucceed, and ſhall continue in Office for ſo long Time as the Perſon or Perſons ſo dying, refuſing or removing, might have ſerved, had he or they lived, accepted or continued in the ſaid Office.

Vacancies how to be filled up.

Others to be choſen in the Room of Truſtees refuſing to act, dying, or removing.

IX. *And be it further Enacted by the Authority aforeſaid*, That no Male Perſon belonging to the ſaid Church, Congregation or Society, ſhall be entitled to vote for Truſtees as aforeſaid, at any Election ſucceeding the ſaid firſt Election above mentioned, until he ſhall have been a ſtated Attendant on Divine Worſhip in the ſaid Church, Congregation or Society, at leaſt one Year before ſuch Election, and ſhall have contributed to the Support of the ſaid Church, Congregation or Society, according to the Uſages and Cuſtoms thereof; and that the ſaid Clerk to the ſaid Truſtees for the Time being, ſhall keep a Regiſter of the Names of all ſuch Perſons as ſhall, from Time to Time, deſire to become ſtated Hearers in the ſaid Church, Congregation or Society, and ſhall therein note the Time when ſuch Requeſt was made; and that the ſaid Clerk ſhall, from Time to Time, attend all ſuch future Elections, in Order to teſt the Qualifications of ſuch Electors, in Caſe any Objections ſhall be made as to the Time when ſuch Elector became a ſtated Attendant on Divine Worſhip in the ſaid Church, Congregation or Society.

Qualification of Electors, after the firſt Election.

Clerk's Duty in keeping a Regiſter, and attending Elections.

X. *And be it further Enacted by the Authority aforeſaid*, That nothing in this Act contained, ſhall be conſtrued, adjudged or taken to give to the ſaid Truſtees or their Succeſſors, any Power or Authority whatſoever, to fix or aſcertain the Salary or Salaries, Stipend or Stipends, to be paid to the Miniſter or Miniſters of the ſaid Church, Congregation or Society, and that whenever it ſhall be neceſſary to fix or aſcertain ſuch Salaries or Stipends, the

Miniſter's Salaries to be aſcertained by a Majority of the Electors.

A. D. 1784. Inde. U. S. VIII.

the ſame ſhall be fixed and aſcertained by the Electors aforeſaid, or the major Part of them, at a Meeting to be called for that Purpoſe; which Salaries or Stipends, when fixed and aſcertained, ſhall be ratified and confirmed by the ſaid Truſtees, or the major Part of them, by an Inſtrument in Writing, under the Common Seal of the ſaid Truſtees, and the ſaid Truſtees, or the major Part of them, ſhall, and hereby are authoriſed and empowered to pay and diſcharge the ſame, out of the Revenues of the ſaid Church, Congregation or Society.

But confirmed and paid by the Truſtees.

XI. *And be it further Enacted by the Authority aforeſaid,* That nothing herein contained, ſhall be conſtrued, adjudged or taken to abridge or affect the Rights of Conſcience or private Judgment, or in the leaſt to alter or change the religious Conſtitutions or Governments of either of the ſaid Churches, Congregations or Societies, ſo far as reſpects, or in any wiſe concerns the Doctrine, Diſcipline or Worſhip thereof.

Religious Rights not to be affected by this Act.

XII. *And be it further Enacted by the Authority aforeſaid,* That all and every Corporation, Truſtees, or Perſons intruſted with the Management, Care and Diſpoſition of the Temporalities of any Church, Congregation or religious Society, already incorporated, or that may hereafter be incorporated within this State, or a Majority of them reſpectively, ſhall, and hereby are required once in every three Years, and between the firſt Day of *January* and the firſt Day of *April*, triennially, to be computed from the firſt Day of *January* next enſuing, to exhibit upon Oath to the Chancellor, or to one of the Juſtices of the Supreme Court, or any of the Judges of the Court of Common Pleas in the County where ſuch Church, Congregation or religious Society ſhall be ſituated, an Account and Inventory of all the Eſtate, both real and perſonal, belonging to ſuch Church, Congregation or religious Society (at the Time of making Oath and exhibiting ſuch Inventory and Account) for which they reſpectively are Truſtees or Managers as aforeſaid, together with an Account of the annual Revenue ariſing therefrom; and if any ſuch Truſtees or Perſons intruſted with the Care, Management and Diſpoſition of the Temporalities of any Church, Congregation or religious Society, as aforeſaid, ſhall neglect to exhibit an Account and Inventory of the Eſtate, and annual Revenue of the Church, Congregation or religious Society, of which they reſpectively are Truſtees, or intruſted with the Care and Diſpoſition of the Temporalities as aforeſaid, for any Space of Time longer than one Year after the Expiration of the three Years, within which it is hereby made their Duty, reſpectively, to render ſuch Account and Inventory as aforeſaid, ſuch Truſtees or Perſons intruſted with the Management, Care and Diſpoſition of any of the Temporalities of any Church, Congregation or religious Society as aforeſaid, ſhall from thenceforth ceaſe to be a Body Corporate.

The Perſons having the Management of the Temporalities of religious Societies, to exhibit an Account and Inventory of their Eſtates and Revenue ariſing therefrom, triennally;

And on neglecting to exhibit ſuch Account and Inventory, ſhall ceaſe to be a Body Corporate.

XIII. *And be it further Enacted by the Authority aforeſaid,* That in all Caſes where it ſhall appear, by the Accounts and Inventory herein before directed to be exhibited by the Truſtees or other Perſons aforeſaid, to the Chancellor, Juſtices or Judges as aforeſaid, that the annual Revenue of any Church, Congregation or religious Society, exceeds the Sum which by Virtue of any Charter or Law they may or can reſpectively hold, poſſeſs or enjoy, it ſhall be and hereby is made the Duty of ſuch Chancellor, Juſtices or Judges as aforeſaid, reſpectively to report the ſame, together with the Account and Inventory, by which ſuch Exceſs ſhall be made to appear as aforeſaid, to the Legiſlature at their then next Meeting.

If annual Revenue exceed the Sum allowed by Charter or by Law, the ſame to be reported to the Legiſlature.

XIV. *And be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful, to and for every religious Corporation, created by Letters

A. D. 1784. Inde. *U. S.* VIII.

Religious Corporations already created privileged to hold 1200l. annual Income, though by their Charters they may be reſtricted to a leſs Sum.

Patent under the Great Seal of the Colony of *New-York*, to have, hold, occupy and enjoy Lands, Tenements, Goods and Chattels of the yearly Value of *One Thouſand Two Hundred Pounds*, although the Letters Patent by which ſuch Corporation reſpectively were created, ſhould contain a Clauſe or Clauſes reſtricting and limiting the annual Revenue and Income of ſuch Corporation at a Sum leſs than *One Thouſand Two Hundred Pounds*; any Law, Uſage or Cuſtom to the Contrary in any wiſe notwithſtanding.

CHAP. XIX.

‡ 4*th Seſſ. Ch.* 7. *Obſolete.* *See* 11*th Seſſ. Ch.* 95. *Sec.* 2.

An ACT *to empower the* ‡ *Auditors appointed to liquidate and ſettle the Accounts of the Troops of this State, in the Service of the United States, to grant Certificates to the Troops of this State, in the Service of the United States, for their Pay accrued for the Time therein mentioned.*

Paſſed 6th April, 1784.

CHAP. XX.

Obſolete.

An ACT *for the immediate Sale of certain forfeited Eſtates.*

Paſſed 6th April, 1784.

CHAP. XXI.

Repealed 11*th Seſſ. Ch.* 73. *Sec.* 4.

An ACT *to divide the Townſhip of* Hempſtead, *in* Queen's *County.*

Paſſed 6th April, 1784.

CHAP. XXII.

Obſolete.

An ACT *to appoint his Excellency the Governor of this State, or Perſon adminiſtring the Government thereof for the Time being, and the Commiſſioners therein deſignated, to ſuperintend Indian Affairs.*

Paſſed 6th April, 1784.

CHAP. XXIII.

Obſolete.

An ACT *for repairing the Court Houſe and Gaol in* King's *County.*

Paſſed 6th April, 1784.

CHAP. XXIV.

Private.

An ACT *for the immediate Relief of* Stephen Barns.

Paſſed 8th April, 1784.

CHAP. XXV.

An ACT *to aſcertain Weights and Meaſures within this State.*

Paſſed 10th April, 1784.

Preamble.

WHEREAS it is agreeable to Equity and beneficial to Commerce, that a People who live in the ſame Community, ſhall have one equal and juſt Weight and Ballance according to a true and perfect Standard, and Aſſize of Meaſure to be eſtabliſhed by Law, without which neceſſary Proviſion, Frauds and Deceits may be practiſed with Impunity.

I. *Be*

A. D. 1784. Inde. U. S. VIII.

There shall be one just Beam, one certain Weight and Measure.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That from and after the first Day of *June* next, there shall be one just Beam, one certain Weight and Measure, that is to say, Avoirdupoise and Troy Weights, Bushels, half Bushels, Pecks and half Pecks, according to the Standard in Use in this State, on the Day of the Declaration of the Independence thereof; and that the Standard Weights and Measures in the Custody of *William Hardenbrook*, who, before and at the Time of the said Declaration was the public Sealer and Marker of all Beams and Weights, and Measures, within the City and County of *New-York*, which Standard is according to the Standard of the Court of Exchequer in that Part of *Great-Britain*, called *England*, shall forever hereafter be deposited with, kept and preserved by the Clerk of the Peace, or common Clerk of the City and County of *New-York*, for the Time being, and shall be and hereby are declared and established to be and remain the Standard, for ascertaining all Beams, Weights and Measures throughout the State, any Usage or Custom to the Contrary thereof notwithstanding; and the said Clerk of the Peace or common Clerk, now, and for the Time being, shall take an Oath to be administered to him in open Court before the Mayor, Recorder and Aldermen of the said City, well and faithfully to preserve the said Weights, Seals and Measures, and to suffer no other Person to make use of the same, except a sworn public Sealer and Marker of Weights and Measures; *Provided always*, That the said *William Hardenbrook* shall deliver the said Beam, Weights and Measures, to the Clerk of the Peace, or common Clerk of the said City and County, in the Presence of the Mayor, Recorder, and one or more of the Aldermen of the said City, and shall declare on his solemn Oath, that the said Beam, Weights or Measures are the same which he received from the Court of Exchequer aforesaid, according to the Best of his Knowledge and Belief.

Standard and Beam Weights and Measures, to be kept by the Clerk of *New-York*, for ascertaining all Beams, Weights and Measures.

The Clerk to be Sworn.

William Hardenbrook to deliver the said Standard to said Clerk under Oath.

If any of them be broken, impaired or missing, the Mayor & Aldermen to supply the Deficiency.

II. *Provided always, and be it further Enacted*, That if any of the said Standard Beams, Weights and Measures, shall be broken, impaired or missing, that it shall and may be lawful, to and for the Mayor and Aldermen of the City of *New-York*, in common Council convened, to cause to be delivered to the said Clerk of the Peace, or common Clerk for the Time being, any Standard, Beam, Weights and Measures, respectively, to supply such Deficiency, taking care that the same is according to the Standard established in the late Colony, now State of *New-York*, immediately preceding the Declaration of Independence of this State.

Council of Appointment to appoint Persons for sealing and marking all Beams, Weights and Measures.

Their Mark.

Oath to be taken by such Persons.

III. *And be it further Enacted by the Authority aforesaid*, That for the better Observance and Execution of this Act, it shall and may be lawful to and for his Excellency the Governor of this State for the Time being, by and with the Advice and Consent of the Council of Appointment, to appoint fit Persons in all convenient and proper Places within this State, for sealing and marking all Beams, Weights and Measures; that the Persons so to be appointed, shall impress with the letter A, all Beams, Weights and Measures to be sealed and marked by each of them respectively, and shall respectively take and subscribe an Oath before one of the Judges of the Court of Common Pleas of the County in which he or they shall reside, for the faithful Execution of the Trust to be committed to them, by Virtue of this Act; and the Judge before whom such Oath shall be taken, shall cause a Certificate thereof to be filed with the Clerk of the County, wherein such Judge shall reside; and every such sworn public Sealer and Marker of Weights, Seals and Measures, shall be entitled to receive for his Pains in sealing and marking all such Beams and Measures, as shall from Time to Time for that Purpose be

A. D. 1784. Inde. U. S. VIII.

Their Fees.

be brought to him, the Rate of *Nine-pence*, and for every Weight and every ſmall liquid Meaſure, *One Penny*, and no more: Saving always nevertheleſs unto the Cities of *New-York* and *Albany*, and Borough of *Weſtcheſter*, and the Mayors thereof for the Time being, all ſuch Rights, Privileges and Uſages, as they reſpectively can juſtly claim, as Clerks of the Markets within the ſaid Cities and Borough, or otherwiſe howſoever; any Thing herein contained to the Contrary hereof notwithſtanding.

Corporation Rights ſaved.

CHAP. XXVI.

An ACT *authoriſing Magiſtrates within this State, to take Affidavits to be uſed in the Manner therein mentioned.*

Paſſed 10th April, 1784.

Preamble, Reſpecting Witneſſes in Cauſes to be tried in other States.

WHEREAS Perſons reſiding within this State may be material Witneſſes in Cauſes to be tried in others of the United States, and may refuſe to attend at the Trial of ſuch Cauſes, or voluntarily to make Affidavit of the Circumſtances they may know, touching the Matter in Diſpute: And whereas it is repreſented to this Legiſlature, that it is the Practice in the Courts of Juſtice in ſome of the United States, to admit as legal Evidence, Affidavits taken in the Manner herein after mentioned:

How to be compelled to make Affidavit, to be tranſmitted to the Court where the Cauſe is depending.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall be lawful for a Judge of the Supreme Court, or any Magiſtrate of any City or County within this State, upon Application, by, or in Behalf of either of the Parties to a Suit depending in a Court of Judicature in any other of the United States, and Information, that any Perſon reſiding within the County where ſuch Application is made, is a material Witneſs in the Suit, to iſſue a Summons to ſuch Perſon, requiring him or her to appear and make Affidavit of all ſuch Matters and Things, as he or ſhe may know concerning the ſame, and to tranſmit the Affidavit to the Court where the Cauſe is depending, in ſuch Manner as the Practice of ſuch Court may require to render ſuch Affidavit legal Teſtimony.

Allowance to ſuch Witneſſes.

II. *Provided always, and be it further Enacted by the Authority aforeſaid*, That every Witneſs who ſhall be ſummoned to give Evidence in Manner aforeſaid, ſhall be entitled to receive from the Party at whoſe Inſtance he ſhall be ſummoned, *Four Shillings* for every Day he ſhall give his Attendance; and that no Witneſs ſhall be bound to appear by Virtue of this Act, except only before one of the Judges or Magiſtrates who ſhall be neareſt to the Place of Reſidence of ſuch Witneſs.

Witneſſes not appearing, or refuſing to ſwear, to be committed.

III. *And be it further Enacted by the Authority aforeſaid*, That whenever any Perſon ſhall refuſe to appear and make Affidavit in Purſuance of ſuch Summons, a Warrant ſhall iſſue from ſuch Judge or Magiſtrate, to compel his Appearance, and if on his Appearance he ſhall refuſe to make Affidavit, or Affirmation, if a Quaker, of the Fact which may be within his Knowledge, touching the Matters in Queſtion, he ſhall be committed to the common Gaol of the County, there to remain without Bail or Mainpriſe for the Term of ſix Calendar Months.

CHAP. XXVII.

‡ 3d Seſſ. Ch. 77.

An ACT *to repeal an Act, entitled,* ‡ *An* Act *to revive and amend an Act, entitled, An* Act *more effectually to prevent Robberies within this State.*

Paſſed 10th April, 1784.

CHAP.

CHAP. XXVIII.

A.D. 1784.
Inde. U. S. VIII.

An ACT *to prevent the Danger arising from the pernicious Practice of lodging Gun-Powder in Dwelling-Houses, Stores or other Places within certain Parts of the City of* New-York, *or on Board of Vessels within the Harbour thereof.*

Expired 28*th* February 1786.

Passed 13th April, 1784.

CHAP. XXIX.

An ACT *to lengthen the Terms of the Inferior Courts of Common Pleas and General Sessions of the Peace, in the Counties of* Westchester, Queen's *and* Richmond, *and for other Purposes therein mentioned.*

Repealed as to the Terms of the Courts 10*th Sess. Ch.* 10. *Sec.* 11. *The Remainder is obsolete.*

Passed 13th April, 1784.

CHAP. XXX.

An ACT *to remove Doubts concerning the Corporation of the Chamber of Commerce, and to confirm the Rights and Privileges thereof.*

Passed 13th April, 1784.

Preamble.

WHEREAS *George* the Third, King of *Great-Britain*, did, on the thirteenth Day of *March*, One Thousand Seven Hundred and Seventy, grant certain Letters Patent to the Persons therein named, under the Great Seal of the then Colony of *New-York*; which said Letters Patent are in the Words following, *that is to say;*

Reciting former Charter of the Chamber of Commerce.

GEORGE the Third, by the Grace of GOD, of *Great-Britain*, *France* and *Ireland*, King, Defender of the Faith, *and so forth;* To all whom these Presents shall come, Greeting: *Whereas* a great Number of Merchants in our City of *New-York*, in *America*, have, by a voluntary Agreement, associated themselves for the laudable Purposes of promoting the Trade and Commerce of our said Province; *And whereas John Cruger*, Esquire, the present President of the said Society, by his humble Petition presented in Behalf of the said Society, to our trusty and well-beloved *Cadwallader Colden*, Esquire, our Lieutenant-Governor and Commander in Chief of our said Province of *New-York*, and the Territories depending thereon, in *America*, and read in our Council for our said Province on the Twenty-eighth Day of *February* last past, hath represented to our said Lieutenant-Governor, that the said Society (sensible that numberless inestimable Benefits have accrued to Mankind from Commerce, that they are in Proportion to their greater or lesser Application to it, more or less opulent and potent in all Countries, and that the Enlargement of Trade will vastly increase the Value of real Estates, as well as the general Opulence of our said Colony) have associated together for some Time past, in Order to carry into Execution among themselves, and by their Example to promote in others such Measures as were beneficial to these salutary Purposes; and the said Society having, with great Pleasure and Satisfaction, experienced the good Effects which the few Regulations already adopted had produced, were very desirous of rendering them more extensively useful and permanent, and more adequate to the Purposes of so benevolent an Institution; and therefore the Petitioner in Behalf of the said Society, most humbly prayed our said Lieutenant-Governor, to incorporate them a Body Politic, and to invest them with such Powers and Authorities, as might be thought most conducive to answer and promote the commercial and consequently the landed Interest of our growing Colony; which Petition being read as aforesaid, was then and there referred to a Committee of our said Council, and afterwards on the same Day, our said Council in Pursuance of the Report of the said Committee, did humbly advise and consent, that our

A. D. 1784. Inde. U. S. VIII.

ſaid Lieutenant-Governor by our Letters Patent, ſhould conſtitute and appoint the Petitioner and the preſent Members of the ſaid Society, a Body Corporate and Politic, by the Name of, *The Corporation of the Chamber of Commerce, in the City of* New-York, *in* AMERICA, agreeable to the Prayer of the ſaid Petition: Therefore, we being willing to further the ſaid laudable Deſigns of our ſaid loving Subjects, and to give Stability to an Inſtitution from whence great Advantages may ariſe, as well to our Kingdom of *Great-Britain* as to our ſaid Province; KNOW YE, That of our eſpecial Grace, certain Knowledge and mere Motion, we have willed, ordained, given, granted, conſtituted and appointed, and by theſe Preſents, for Us, our Heirs and Succeſſors, Do will, ordain, give, grant, conſtitute and appoint, that the Preſent Members of the ſaid Society, aſſociated for the Purpoſes aforeſaid: *That is to ſay, John Cruger, Elias Desbroſſes, James Jauncey, Jacob Walton, Robert Murray, Hugh Wallace, George Folliot, William Walton, John Alſop, Henry White, Philip Livingſton, Samuel Verplank, Theophilact Bache, Thomas White, Miles Sherbrooke, Walter Franklin, Robert Roſs Waddle, Acheſon Thompſon, Lawrence Kortright, Thomas Randall, William Mc. Adam, Iſaac Low, Anthony Van Dam, Robert Watts, John Harris Cruger, Gerard Walton, Iſaac Sears, Jacobus Van Zandt, Charles Mc. Evers, John Moore, Lewis Pintard, Levinus Clarkſon, Nicholas Gouverneur, Richard Yates, Thomas Marſton, Peter Haſſenclever, Alexander Wallace, Gabriel H. Ludlow, Thomas Buchannan, William Neilſon, Thomas Simpſon, Peter Kettletaſs, Gerrard W. Beekman, Jacob Watſon, Richard Sharpe, Peter Remſen, Henry Remſen,* junior, *William Seton, Edward Laight, John Reade, Robert Alexander, Thomas W. Moore, Abraham Lynſen, John Rooſevelt, Nicholas Hoffman, Hamilton Young, Thomas Walton, John Thurman, John Weatherhead, Garret Rapaljie, Gerard Duykinck, William Stapples, William Imlay, Auguſtus Van Horne, Henry C. Bogert, George W. Ludlow, Joſeph Bull, Leonard Liſpenard, Thomas Miller, James Beekman, Samuel Kemble, Alexander Mc. Donald,* and *Samuel Bayard,* junior, all of our City of *New-York,* in our ſaid Province of *New-York,* Merchants, and their Succeſſors, to be elected by Virtue of this our preſent Charter, ſhall forever hereafter be one Body Corporate and Politic, in Deed, Fact and Name, by the Name, Stile and Title of, *The Corporation of the Chamber of Commerce, in the City of* New-York, *in* AMERICA, and them and their Succeſſors, by the ſame Name, We do by theſe Preſents, really and fully make, erect, create, conſtitute and declare one Body Politic and Corporate, in Deed, Fact and Name for ever, and will, give, grant and ordain, that they and their Succeſſors, *The Corporation of the Chamber of Commerce, in the City of* New-York, *in* AMERICA, by the ſame Name, ſhall and may have perpetual Succeſſion, and ſhall and may, by the ſame Name, be Perſons capable in the Law, to ſue and be ſued, implead and be impleaded, anſwer and be anſwered, defend and be defended, in all Courts and elſewhere, in all Manner of Actions, Suits, Complaints, Pleas, Cauſes, Matters and Demands whatſoever, as fully and amply as any other of our liege Subjects of our ſaid Province of *New-York* may or can ſue or be ſued, implead or be impleaded, defend or be defended by any lawful Ways or Means whatſoever, and that they and their Succeſſors, by the ſame Name, ſhall be forever hereafter Perſons capable and able in the Law, to purchaſe, take, receive, hold and enjoy to them and their Succeſſors, any Meſſuages, Tenements, Houſes and real Eſtates whatſoever, and all other Hereditaments of whatſoever Nature, Kind and Quality they be, in Fee Simple, for Term of Life or Lives, or in any other Manner howſoever, and alſo any Goods, Chattels or perſonal Eſtate whatſoever, as well for enabling them the better to carry into Execution, encourage and promote, by juſt and lawful Ways and Means, ſuch Meaſures as will tend to promote and extend juſt and lawful Commerce, as to provide for, aid and aſſiſt at their Diſcretion, ſuch Members of our ſaid Corporation as may be hereafter reduced to Poverty, and their Widows and Children. *Provided always,* The clear yearly Value of the ſaid real Eſtate

Names of the former Members thereof.

Stile of the Corporation.

Capable to hold Lands in Fee Simple.

A. D. 1784.
Inde. *U. S.* VIII.

Eſtate doth not at any Time exceed the Sum of *Three Thouſand Pounds* Sterling, Lawful Money of our Kingdom of *Great-Britain*, and that our ſaid Corporation of the Chamber of Commerce, in the City of *New-York*, in *America*, and their Succeſſors, forever, by the ſame Name, ſhall and may have full Power and Authority to give, grant, ſell, leaſe, demiſe and diſpoſe of the ſame real Eſtate and Hereditaments whatſoever, for Life or Lives, or Years, or forever, and all Goods, Chattels and perſonal Eſtates whatſoever, at their Will and Pleaſure according as they ſhall judge to be moſt beneficial and advantageous to the good Ends and Purpoſes above-mentioned; and that it ſhall and may be lawful for them and their Succeſſors forever hereafter, to have a common Seal to ſerve for the Cauſes and Buſineſs of them and their Succeſſors, and the ſame Seal to change, alter, break and make new, from Time to Time, at their Pleaſure; and alſo, that they and their Succeſſors by the ſame Name, ſhall, and may have full Power and Authority, to erect and build out of their common Funds, or by any other Ways or Means for the Uſe of the ſaid Corporation hereby erected, any Houſe, Houſes or other Buildings, as they ſhall think neceſſary and convenient. And for the better carrying into Execution the Purpoſes aforeſaid, Our Royal Will and Pleaſure is, and we do hereby give and grant to the Corporation of the Chamber of Commerce, in the City of *New-York*, in *America*, and their Succeſſors forever, that there ſhall be forever hereafter belonging to the ſaid Corporation, one Preſident, one or more Vice Preſident or Vice Preſidents, one or more Treaſurer or Treaſurers, and one Secretary; and for the more immediate carrying into Execution our Royal Will and Pleaſure herein, we do hereby aſſign, conſtitute and appoint the above named *John Cruger*, Eſquire, to be the preſent Preſident, the above named *Hugh Wallace*, to be the preſent Vice-Preſident, the above named *Elias Desbroſſes*, to be the preſent Treaſurer, and the above named *Anthony Van Dam*, to be the preſent Secretary of our ſaid Corporation hereby erected, who ſhall hold, poſſeſs and enjoy their ſaid reſpective Offices, until the firſt Tueſday in *May* now next enſuing; and for the keeping up the Succeſſion in the ſaid Offices, Our Royal Will and Pleaſure is, and we do hereby for Us, our Heirs and Succeſſors, eſtabliſh, direct and require, and give and grant to the ſaid Corporation of the Chamber of Commerce, in the City of *New-York*, in *America*, and their Succeſſors forever, that on the ſaid firſt Tueſday in *May*, now next enſuing, and yearly and every Year forever thereafter, on the firſt Tueſday in *May* in every Year, they and their Succeſſors ſhall meet at ſome convenient Place in our ſaid City of *New-York*, to be fixed and aſcertained by ſome of the Bye-Laws or Regulations of our ſaid Corporation, and there by the Majority of ſuch of them as ſhall ſo meet, ſhall by Ballot, or in ſuch other Manner and Form as ſhall be regulated by the Bye-Laws or Regulations of our ſaid Corporation, elect or chooſe one Preſident, one or more Vice-Preſident or Vice-Preſidents, one or more Treaſurer or Treaſurers, and one Secretary, to ſerve in the ſaid Offices for the enſuing Year, who ſhall immediately enter upon their reſpective Offices, and hold, exerciſe and enjoy the ſame reſpectively from the Time of ſuch Election, for and during the Space of one Year, and until other fit Perſons ſhall be elected and choſen in their reſpective Places, according to the Laws and Regulation aforeſaid; and in Caſe any of the ſaid Perſons by theſe Preſents nominated and appointed to the reſpective Offices aforeſaid, or who ſhall hereafter be elected and choſen thereto reſpectively, ſhall die, or on any Account be removed from ſuch Offices reſpectively, before the Time of their reſpective appointed Services ſhall be expired, or refuſe or neglect to act in and execute the Office for which he or they ſhall be ſo elected and choſen, or is or are herein nominated or appointed, that then, and in any and every ſuch Caſe, it ſhall and may be lawful for the Members of our ſaid Body Corporate hereby erected, to meet at ſuch Time and Times, and at ſuch Place and Places within our ſaid City of *New-York*, and

Value of the real Eſtate not to exceed 3000l. Sterling, annual Income.

To have a common Seal.

Former Preſident, Vice Preſident, Treaſurer and Secretary.

Continuance in Office.

Firſt Tueſday in *May* fixed for the annual Meeting.

Majority of the Members met, to elect.

A. D. 1784. Inde. *U. S.* VIII.

and upon ſuch Notices or Summons as ſhall for that Purpoſe be eſtabliſhed and directed by the Bye-Laws or Regulations of our ſaid Body Corporate, and there by the Majority of ſuch of them as ſhall ſo meet, elect and chooſe other or others to the ſaid Offices reſpectively, in the Place of him or them ſo dying, removing, neglecting or refuſing to act in Manner and Form, and after the ſame Method to be obſerved in the annual Elections of the like Officers reſpectively, by Virtue of theſe our Letters Patent, and the ſaid Bye-Laws or Regulations of our ſaid Corporation, hereby giving and granting that ſuch Perſon or Perſons as ſhall be ſo elected and choſen, by the Majority of ſuch of the ſaid Members as ſhall meet in Manner aforeſaid, ſhall have, hold, exerciſe and enjoy, ſuch the Office or Offices to which he or they ſhall be ſo elected and choſen, from the Time of ſuch Election, until the firſt Tueſday in *May* then next enſuing, and until other or others be legally choſen in his or their Place and Stead, as fully and amply to all Intents and Purpoſes whatſoever, as the Perſon or Perſons in whoſe Place he or they ſhall be choſen, might or could have done by Virtue of theſe Preſents; and our Will and Pleaſure is, and we do hereby, for Us, our Heirs and Succeſſors, ordain, direct and require, that every Preſident, Vice-Preſident, Treaſurer and Secretary, to be elected by Virtue of theſe Preſents, ſhall, before they act in their reſpective Offices, take an Oath or Affirmation to be to them adminiſtered by the Preſident, or in his Abſence by one of the Vice-Preſidents of the preceding Year, who are hereby authoriſed to adminiſter the ſame, for the faithful and due Execution of their reſpective Offices during their Continuance in the ſame reſpectively; and we do further, for Us, our Heirs and Succeſſors, give and grant to the Corporation of the Chamber of Commerce, in the City of *New-York*, in *America*, and their Succeſſors forever, that beſides the annual Meeting of our ſaid Corporation herein before directed and appointed to be held on the firſt Tueſday in *May* in every Year, it ſhall and may be lawful for them, their Heirs and Succeſſors forever hereafter, for promoting and carrying into Execution the laudable Intents and Deſigns aforeſaid, and for the tranſacting the Buſineſs and Concerns of our ſaid Corporation, to meet together on the firſt Tueſday in every Month, forever, at ſuch Place or Places in our ſaid City of *New-York*, as ſhall for that Purpoſe be eſtabliſhed, fixed, aſcertained and appointed by the Bye-Laws and Regulations of our ſaid Corporation; and that the Members of our ſaid Corporation being ſo met, or ſo many of them in Number at the leaſt, as ſhall by the Bye-Laws or Ordinances of our ſaid Corporation be for that Purpoſe from Time to Time eſtabliſhed, directed, ordained or appointed, ſhall, together with the Preſident, or any one of the Vice-Preſidents of our ſaid Corporation for the Time being, be a legal Meeting of our ſaid Corporation; and they or the major Part of them ſo met, ſhall have full Power and Authority to adjourn from Day to Day, or for any other Time, as the Buſineſs of our ſaid Corporation may require, and to do, execute and perform all and every Act and Acts, Thing and Things whatſoever, which the ſaid Corporation of the Chamber of Commerce in the City of *New-York*, in *America*, are or ſhall by theſe our Letters Patent, be authoriſed to do, act or tranſact in as full and ample Manner, as if all and every of the Members of the ſaid Corporation were preſent; and that at any ſuch legal Meeting of the ſaid Corporation, they ſhall and may, in Writing under the common Seal, make, frame, conſtitute, eſtabliſh and ordain from Time to Time, and at all Times hereafter, ſuch Laws, Conſtitutions, Ordinances, Regulations and Statutes, for the better Government of the Officers and Members of the ſaid Corporation, for fixing and aſcertaining the Places of Meeting of our ſaid Corporation as aforeſaid, and for regulating all other their Affairs and Buſineſs, as they, or the major Part of them ſo legally met, ſhall judge beſt for the general Good of the ſaid Corporation, and profitable for the more effectually promoting the beneficial Deſigns of their

Officers elected to be ſworn to the faithful Execution of their Office.

Beſides the annual Meetings the Corporation may meet on the firſt Tueſday in every Month.

Powers of the Corporation.

A. D. 1784. Inde. U. S. VIII.

their Inſtitution; all which Laws, Conſtitutions, Regulations, Ordinances, and Statutes ſo to be made, framed, conſtituted, eſtabliſhed and ordained as aforeſaid, we will, command and ordain by theſe Preſents, for Us, our Heirs and Succeſſors, to be from Time to Time, and at all Times hereafter kept, obeyed and performed in all Things, as the ſame ought to be on the Penalties and Amerciaments in the ſame to be impoſed and limited, ſo as the ſame Laws, Conſtitutions, Regulations and Statutes, be reaſonable in themſelves, and not repugnant or contrary to the Laws and Statutes of that Part of our Kingdom of *Great-Britain* called *England*, nor of our ſaid Province of *New-York*; and for the keeping up and preſerving forever hereafter, a Succeſſion of Members for the ſaid Corporation, our Will and Pleaſure is, and we do hereby for Us, our Heirs and Succeſſors, ordain and give, and grant to the ſaid Corporation of the Chamber of Commerce in the City of *New-York*, in *America*, and their Succeſſors forever, that at any Time of the ſtated legal Meetings of the ſaid Corporation, to be held on the firſt Tueſday in every Month forever hereafter, but at no other Meeting of our ſaid Corporation, it ſhall and may be lawful for them, and their Succeſſors forever, to elect and chooſe in ſuch Manner and Form, and upon ſuch Terms and Conditions, as ſhall be directed, ordained and eſtabliſhed for that Purpoſe, by any of the ſaid Bye-Laws, Statutes, Conſtitutions or Ordinances of the ſaid Corporation, ſuch and ſo many Perſons to be Members of the ſaid Corporation as they ſhall think beneficial to the laudable Deſigns of the ſaid Corporation; which Perſons and every of them, ſo from Time to Time elected and choſen, ſhall by Virtue of theſe Preſents, and of ſuch Election, be veſted with all the Powers, Authorities and Privileges which any Member of the ſaid Corporation is hereby inveſted with; and in Caſe any other extraordinary Meeting or Meetings of the ſaid Corporation ſhall at any Time or Times be judged neceſſary, for the promoting of the Intereſt and Buſineſs of the ſaid Corporation, We do hereby for Us, our Heirs and Succeſſors, will, declare and ordain, that it ſhall and may be lawful for our ſaid Corporation to meet from Time to Time, at ſuch Days and Times, and at ſuch Places in our ſaid City of *New-York*, and upon ſuch Notices or Summons, as ſhall for that Purpoſe from Time to Time be ſettled, eſtabliſhed and ordained by the Laws, Ordinances or Statutes of the ſaid Corporation; and that the Members of our ſaid Corporation being ſo met, or ſo many of them in Number at leaſt, as by the ſaid Laws, Ordinances and Statutes aforeſaid, ſhall from Time to Time be eſtabliſhed, directed, ordained and appointed for that Purpoſe, ſhall, together with the Preſident or one of the Vice-Preſidents of the ſaid Corporation for the Time being, be a legal Meeting of the ſaid Corporation; and they or the major Part of them ſo met, ſhall have full Power and Authority to act, tranſact, do and perform all and ſingular whatſoever may be tranſacted, done and performed, at any the hereby ſtated Meetings aforeſaid, of the ſaid Corporation, ſaving and except the electing Members, making Laws, Ordinances and Statutes, and diſpoſing of the real Eſtates of the ſaid Corporation; and our Will and Pleaſure is, that until the ſame ſhall be otherwiſe regulated as aforeſaid, that the Meetings of the ſaid Corporation ſhall be held in the Great-Room of the Building, commonly called the *Exchange*, ſituate at the lower End of the Street called *Broad-Street*, in the ſaid City of *New-York*; and that until the ſame ſhall be alſo otherwiſe regulated as aforeſaid, that no Act done in any Meeting of the ſaid Corporation ſhall be legal, good or valid, unleſs the Preſident or one of the Vice-Preſidents, and Twenty others of the Members of the ſaid Corporation at the leaſt, be preſent, and the major Part of them conſenting thereto; and we do further give and grant to the ſaid Corporation of the Chamber of Commerce in the City of *New-York*, in *America*, that it ſhall and may be lawful for the Preſident of the ſaid Corporation at all Times hereafter for ever, to appoint a Door-keeper, one or more Meſſenger or Meſſengers, and all ſuch

How new Members to be choſen.

Where the Meetings are to be held.

The Preſident or a Vice-Preſident and 20 Members to compoſe a legal Meeting.

Door-keepers, Meſſengers, and other in-

A. D. 1784. Inde. *U. S.* VIII.

ferior Officers, to be appointed by the Preſident.

other inferior Officers as ſhall by him be thought neceſſary for the ſaid Corporation, and to diſplace them and any and every of them, at his Will and Pleaſure; *Provided nevertheleſs*, That no ſuch Door-keeper, Meſſenger or other Officer, ſhall hold his or their Office or Offices, by Virtue of any ſuch Appointment, longer than until the then next lawful Meeting for the ſaid Corporation, unleſs ſuch Perſon or Perſons ſo appointed, ſhall be then approved of by the Majority of ſuch of the Members of the ſaid Corporation as ſhall then be met; and we do further, of our eſpecial Grace, certain Knowledge and mere Motion, for Us, our Heirs and Succeſſors, grant and ordain, that when and as often as the Preſident or any Vice-Preſident, Treaſurer or Secretary of the ſaid Corporation, ſhall miſdemean himſelf in his or their ſaid Offices reſpectively, and thereupon a Complaint or Charge in Writing ſhall be exhibited againſt him or them by any Member of the ſaid Corporation, at any legal Meeting or Meetings of the ſaid Corporation; that it ſhall and may be lawful for the Members of the ſaid Corporation then met, or the major Part of them, from Time to Time, upon Examination and due Proof, to ſuſpend or diſcharge ſuch Preſident, Vice-Preſident, Treaſurer or Secretary from their Offices reſpectively, although the yearly or other Time for their reſpective Services ſhall not be expired; any Thing before in theſe Preſents contained to the Contrary thereof, in any wiſe notwithſtanding. *And further*, We do by theſe Preſents, for Us, our Heirs and Succeſſors, give and grant unto the ſaid Corporation of the Chamber of Commerce in the City of *New-York*, in *America*, and their Succeſſors forever, that this our preſent Charter ſhall be deemed, adjudged and conſtrued in all Caſes moſt favourably, and for the beſt Benefit and Advantage of our ſaid Corporation, and for promoting the good Intentions and Deſigns herein before expreſſed, inducing us graciouſly to grant the ſame; and that this our preſent Grant being entered on Record as herein after is expreſſed, or the Enrollment thereof, ſhall be forever hereafter good and effectual in Law, according to our true Intent and Meaning herein before declared, without any other Licence, Grant or Confirmation from Us, our Heirs and Succeſſors hereafter, by the ſaid Corporation to be had or obtained, notwithſtanding the not reciting or miſrecital, or not naming or miſnaming of the aforeſaid Offices, Franchiſes, Privileges, Immunities, or other the Premiſes, or any of them; and although no Writ of *Ad quod Damnum*, or other Writs, Inquiſitions or Precepts, hath been upon this Occaſion, had, made, iſſued or proſecuted; any Statute, Act, Ordinance or Proviſion, or other Matter, or any Thing to the Contrary thereof, in any wiſe notwithſtanding. In Teſtimony whereof, we have cauſed theſe our Letters to be made Patent, and the great Seal of our ſaid Province to be hereunto affixed, and the ſame to be entered on Record in our Secretary's Office for our ſaid Province, in one of the Books of Patents there remaining. Witneſs, our truſty and well-beloved *Cadwallader Colden*, Eſquire, our Lieutenant-Governor and Commander in Chief of our ſaid Province of *New-York*, and the Territories depending thereon in *America*, by and with the Advice and Conſent of our Council, for our ſaid Province, at *Fort George*, in our City of *New-York*, this thirteenth Day of *March*, in the Year of our Lord One Thouſand Seven Hundred and Seventy, and of our Reign the Tenth. By Virtue whereof, the ſaid *John Cruger*, and others of the City of *New-York*, Merchants, therein named, and their Succeſſors, did hold, exerciſe and enjoy, all and ſingular the Rights, Privileges, Franchiſes, Powers and Immunities therein particularly mentioned and granted. *And whereas* during the late War and public Calamities, the Exerciſe and Enjoyments of the ſaid Rights, Privileges, Franchiſes and Immunities, hath been for a long Time interrupted and ſuſpended, by Means whereof Doubts have ariſen, whether the ſaid Rights, Privileges, Franchiſes and Immunities can be legally reſumed, held, exerciſed or enjoyed. *And whereas Samuel Broome, Jeremiah Platt, John Broome, Benjamin Ledyard, Thomas Randall, Robert Bowne, Daniel Phœnix,*

Officers of the Corporation miſdemeaning themſelves,

How to be proceeded againſt.

Preamble, Reciting the Interruption of the Exerciſe of the Charter Rights,

A.D. 1784.
Inde. *U. S.* VIII.

Phœnix, Jacob Morris, Eliphalet Bruſh, James Jarvis, John Blagg, Viner Van Zandt, Stephen Sayre, Jacobus Van Zandt, Nathaniel Hazard, Thomas Hazard, Abraham P. Lott, Abraham Duryee, William Malcom, John Alſop, Iſaac Sears, James Beekman, Abraham Lott, Comfort Sands, Joſeph Blackwell, Joſhua Sands, Lawrence Embree, George Embree, Gerardus Duykinck, junior, *Cornelius Ray, Anthony Griffiths, Thomas Tucker, John Berrian, Iſaac Rooſevelt, John Franklin, John H. Kipp, Henry H. Kipp, Archibald Currie, David Currie* and *Jonathan Lawrence*, all of the ſaid City, Merchants, have by their humble Petition ſet forth, that the ſaid Letters Patent, and the Powers and Privileges exerciſed and enjoyed under the ſame, have greatly promoted the commercial Intereſts of this State, and that great and daily Inconveniences and Injury are ſuffered by the Suſpenſion thereof, and have prayed, that the ſaid Letters Patent, with all and ſingular the Powers and Franchiſes therein contained, may be revived, confirmed and eſtabliſhed.

And petition for a Revival of the Corporation.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the ſaid Letters Patent, and all and ſingular the Powers, Rights, Privileges, Franchiſes and Immunities, therein and thereby granted, ſhall be, and the ſame are hereby ratified and confirmed, and the ſaid Letters Patent, and all and every their former Rights, Privileges, Franchiſes and Immunities, therein and thereby granted, ſhall be and remain in full Force and Efficacy, notwithſtanding any Non-uſer, or Miſ-uſer, of any of the ſaid Powers, Rights, Privileges, Franchiſes and Immunities heretofore had, committed, done or ſuffered, between the Nineteenth Day of *April*, One Thouſand Seven Hundred and Seventy-five, and the Day of the paſſing of this Act; and that the ſaid *Samuel Broome, Jeremiah Platt, John Broome, Benjamin Ledyard, Thomas Randall, Robert Bowne, Daniel Phœnix, Jacob Morris, Eliphalet Bruſh, James Jarvis, John Blagg, Viner Van Zandt, Stephen Sayre, Jacobus Van Zandt, Nathaniel Hazard, Thomas Hazard, Abraham P. Lott, Abraham Duryee, William Malcom, John Alſop, Iſaac Sears, James Beekman, Abraham Lott, Comfort Sands, Joſeph Blackwell, Joſhua Sands, Lawrence Embree, George Embree, Gerardus Duykinck*, junior, *Cornelius Ray, Anthony Griffiths, Thomas Tucker, John Berrian, Iſaac Rooſevelt, John Franklin, John H. Kipp, Henry H. Kipp, Archibald Currie David Currie*, and *Jonathan Lawrence*, and their Succeſſors, ſhall and may forever hereafter remain, continue and be a Body Corporate, and Politic, in Deed, Fact and Name, by the Name of, *The Corporation of the Chamber of Commerce of the State of* New-York, and by that Name, to ſue, plead and be impleaded, and to anſwer and to be anſwered.

Charter confirmed.

Notwithſtanding any Non-uſer between the 19th *April*, 1775, and the Date of this Act.

Members of the preſent Chamber of Commerce.

Name of the Corporation.

II. *And be it further Enacted by the Authority aforeſaid*, That the ſaid *John Alſop*, ſhall be the preſent Preſident, the above named *Iſaac Sears*, the preſent Vice-Preſident, the above named *John Broome*, the preſent Treaſurer, and the above named *John Blagg*, the preſent Secretary of the ſaid Corporation, who ſhall hold, poſſeſs and enjoy, their ſaid reſpective Offices until the firſt Tueſday in *May*, now next enſuing; and in Caſe any or either of the ſaid Perſons hereby nominated and appointed to the reſpective Offices aforeſaid, ſhall happen to die, or ſhall neglect or refuſe to act in, or execute, or ſhall be removed from ſuch Office or Offices reſpectively, before the ſaid firſt Tueſday in *May* next, that then, and in every ſuch Caſe, it ſhall and may be lawful for the Members of the ſaid Body Corporate, to meet at ſuch Time and Times, and at ſuch Place and Places within the ſaid City, as they ſhall for that Purpoſe appoint, and upon ſuch Notices or Summons as have heretofore been uſed and eſtabliſhed by the ſaid Body Corporate, and then and there by the Majority of ſuch as ſhall ſo meet, to elect and chooſe other or others to the ſaid Office or Offices reſpectively, in the Place of him or them ſo dying or neglecting, or refuſing to act, or being removed in the Manner heretofore uſed

Preſident, Vice-Preſident, Treaſurer and Secretary appointed.

Their Continuance in Office.

A.D. 1784. Inde. *U. S.* VIII.

used in the annual Elections of the like Officers; which Person or Persons so elected and chosen, shall enjoy and exercise the said Office or Offices, and all and singular the Privileges and Powers thereto belonging, or appertaining, until the said first Tuesday in *May* next.

All former Rights to be enjoyed by the present Corporation.

III. *And be it further Enacted by the Authority aforesaid*, That the Corporation of the Chamber of Commerce of the State of *New-York*, and their Successors, shall and may, for ever hereafter, peaceably have, hold, use and enjoy, all and every the Rights, Powers, Liberties, Privileges, Franchises, Usages, Lands, Tenements, Estates and Hereditaments, which have heretofore by Virtue of the above recited Charter, been given or granted unto the said Corporation, by the Name of, *The Corporation of the Chamber of Commerce of the City of* New-York, *in* AMERICA.

CHAP. XXXI.

An ACT *for the Regulation of Pilots and Pilotage for the Port of* New-York, *and for other Purposes therein mentioned.*

Passed 14th April, 1784.

Preamble.

WHEREAS the Safety of the Navigation to and from the Port of *New-York*, will be much promoted by the Establishment of proper Regulations for the Pilots, and of their Rates of Pilotage.

Council of Appointment to appoint Master and Wardens,

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful to and for his Excellency the Governor, or Person administring the Government of the State for the Time being, by and with the Advice and Consent of the Council of Appointment, to appoint, as often and from Time to Time, as to such Council shall seem necessary, one fit and proper Person to be Master, and three or more fit and proper Persons to be Wardens of the said Port of *New-York*, who shall be called, *The Master and Wardens of the Port of* NEW-YORK, and in like Manner to appoint and commission a sufficient Number of Persons to be Branch Pilots of the said Port, each of whom are empowered to appoint one Deputy under him: *Provided*, That no Person shall hereafter be commissioned as a Branch Pilot, or appointed a Deputy Pilot, until he shall have been examined before, and obtained a Certificate from the Master and Wardens of the said Port, or any three or more of them, under their Hands and Seals, of his being duly qualified for such Office; and if any Person not so commissioned or appointed, shall pilot any Ship or other Vessel going into or out of the said Port from or to Sandy-Hook, when a Branch or Deputy Pilot offers, such Person shall forfeit and pay the Sum of *Five Pounds*.

And Branch Pilots. And each Pilot may appoint a Deputy.

No Person to be commissioned or appointed without a Certificate from he Master and Wardes.

No other Person to act as a Pilo.

A Pilot or Deputy not aiding Ships in Distress, to forfeit his Office or pay a Fine.

II. *And be it further Enacted by the Authority aforesaid*, That if any Branch Pilot or his Deputy, shall neglect or refuse to give all the Aid and Assistance in his Power, to any Ship or other Vessel appearing in Distress on the Coast, or in Want of a Pilot, such Branch Pilot or Deputy, shall either forfeit his or their Branch Deputation, or Pay a Fine not less than *Five Pounds*, nor more than *Twenty Pounds*, at the Discretion of the Master and Wardens aforesaid, or any three or more of them; which said Master and Wardens, or any three or more of them, are hereby empowered to impose such Fine, to suspend any of the said Pilots or Deputies for such Offence, until the Pleasure of the Council of Appointment shall be known; and further, by and with the Consent and Approbation of the Governor, or Person administring the Government of the State for the Time being, to make and establish such prudential

Master & Wardens to make Regulations for Government of Pilots.

Regulations

Regulations and Orders for the better Government of the ſaid Pilots, as they ſhall from Time to Time judge to be uſeful and neceſſary, and the ſame to revoke, alter and amend as in their Opinion will moſt effectually promote the good Purpoſes for which this Act is intended; and for the better Obſervance of ſuch Rules and Orders as from Time to Time may be made and publiſhed, the ſaid Maſter and Wardens, or any three or more of them, are hereby further empowered to impoſe and lay any Fine or Fines for the Breach of any ſuch Rules and Orders, to be made and publiſhed as aforeſaid, upon the ſaid Pilot or Pilots ſo to be commiſſioned or appointed as aforeſaid, for any Sum or Sums not exceeding *Ten Pounds*.

And impoſe Fines for Breach of them, not exceeding *Ten Pounds*.

III. And for the Encouragement of ſuch Pilots who ſhall diſtinguiſh themſelves by their Activity and Readineſs to aid and aſſiſt any Ship or Veſſel appearing in Diſtreſs, and in Want of a Pilot on the Coaſt; *Be it further Enacted by the Authority aforeſaid*, That the Maſter or Owners of ſuch Ship or Veſſel, ſhall pay unto ſuch Pilot or Deputy, who ſhall have exerted himſelf for the Preſervation of ſuch Ship or Veſſel in Manner aforeſaid, ſuch Sum for extra Services as the ſaid Maſter or Owner, and Pilot or Deputy can agree upon; and in Caſe no ſuch Agreement can be made by the Parties, the Maſter and Wardens, or any three or more of them, are hereby empowered to aſcertain what in their Opinion is a reaſonable Reward; which Sum ſhall be collected in the Manner by this Act directed for the Collection of Pilotage.

Encouragement to active Pilots aſſiſting Veſſels in Diſtreſs.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for every Pilot commiſſioned and appointed as is herein before directed, to aſk, demand and receive, of and from any Perſon or Perſons, who ſhall employ him to pilot any Ship or other Veſſel, from the Eaſtward of the *Falſe-Hook* to the Port of *New-York*, or from the Port of *New-York* to the Eaſtward of the *Falſe-Hook*, ſo far that ſuch Veſſel may proceed ſafely from thence to Sea, between the fifteenth Day of *March* and the firſt Day of *December*, in any Year, Pilotage at the Rate of *Six Shillings* for every Foot of Water ſuch Ship or other Veſſel ſhall draw. *Provided always*, That no more than half Pilotage, at the Rate aforeſaid, ſhall be demanded or received by any ſuch Pilot, who ſhall to the Weſtward of the *Falſe-Hook*, take Charge of any Ship or other Veſſel coming to the Port of *New-York*; and that between the firſt Day of *December* and the fifteenth Day of *March*, incluſive, in any Year, ſuch Pilot may demand and receive the additional Sum of *Twenty Shillings*, for any Ship or other Veſſel drawing ten Feet Water or upwards, and for every Ship or other Veſſel drawing leſs than ten Feet Water, the additional Sum of *Ten Shillings*; and for every Ship or other Veſſel which ſuch Pilot ſhall conduct clear of the Middle Ground out to Sea, the additional Sum of *Ten Shillings*, if ſuch Ship or other Veſſel ſhall draw ten Feet Water or under, or the additional Sum of *Twenty Shillings*, if ſuch Ship or other Veſſel ſhall draw upwards of ten Feet Water; and for every Day that ſuch Pilot ſhall be required to remain or be detained on Board by the Maſter, waiting for a fair Wind or otherwiſe, ſuch Pilot is hereby authoriſed to aſk, demand and receive, and ſhall be paid the Sum of *Ten Shillings*.

Where Pilots are allowed *Six Shillings* for every Foot of Water that Veſſels draw, between 15th *March*, and 1ſt of *December*.

Where only half Pilotage ſhall be demanded or received.

Pilotage between 1ſt *December* and 15th *March*.

Pilots to be paid for Detention.

V. And to the End that the ſaid Maſter and Wardens may be diſintereſted and impartial Directors as by this Act is intended; *Be it further Enacted by the Authority aforeſaid*, That neither of them ſo long as they ſhall be employed in this Truſt, ſhall be directly or indirectly concerned in any Pilot Boat, or with any Perſon whatſoever commiſſioned as a Branch Pilot.

Maſter and Wardens not to be concerned in Pilot Boats or with Pilots.

VI. *And be it further Enacted by the Authority aforeſaid*, That every Branch Pilot or Deputy Pilot of the Port of *New-York*, commiſſioned or appointed, or hereafter to be commiſſioned or appointed by Virtue of this Act, ſhall,

Pilots to enter into Recognizance, faithfully to perform the Truſt repoſed in them.

A. D. 1784. Inde. U. S. VIII.

before he takes upon himſelf the Execution of the Office, enter into a Recognizance to the People of the State of *New-York*, before one of the Judges of the Supreme Court, or the Mayor or Recorder of the City of *New-York*, with two ſufficient Sureties, to be approved by the Maſter and Wardens of the Port, or any three or more of them, in the Sum of *One Hundred Pounds* lawful Money of *New-York*, with Condition, that ſuch Pilot or Deputy Pilot, ſhall and will, in all Things, diligently and faithfully perform and execute the Truſt repoſed in him, as a Pilot or Deputy Pilot (as the Caſe may be) according to the Directions and true Intent and Meaning of this Act, and according to the Rules and Orders of the ſaid Maſter and Wardens of the Port of *New-York*, or any three or more of them; and on Failure or Non-performance of the Condition of any ſuch Recognizance, the ſame ſhall and may, at the Requeſt of any Perſon injured or aggrieved thereby, be ſued and proſecuted, either in the Supreme Court, or in the Mayor's Court of the ſaid City; and if Judgment ſhall be obtained againſt the Defendant or Defendants on ſuch Recognizance, the Court in which ſuch Judgment ſhall be had, ſhall, by Impriſonment of ſuch Defendant or Defendants, or by Execution or Executions, by *Fieri Facias*, or *Levari Facias*, cauſe the Amount of ſuch Recognizance with Coſts of Suit to be levied and paid, and by an Order to be entered in the Minutes of the ſaid Court, direct the Amount of ſuch Recognizance to be paid to the ſaid Maſter and Wardens; and the ſaid Maſter and Wardens, or any three or more of them, are in ſuch Caſe authoriſed and required to take Cognizance of the Damages ſuſtained by ſuch Perſon injured and aggrieved, and award the Amount or Value of the ſame, and to apply the Monies which they ſhall have received from ſuch forfeited Recognizance, or ſo much thereof as may be neceſſary to pay the Damages ſo awarded, and ſhall make report in Writing by them ſubſcribed, of the Damages ſo awarded and paid, to the Court in which ſuch Judgment ſhall have been obtained. *Provided always*, That, if the Branch or Deputy Pilot ſo offending, do, before Judgment ſhall have been obtained againſt him, for the Breach of his Recognizance, pay to the Party aggrieved ſuch Damages as ſhall be aſſeſſed or awarded by the ſaid Maſter and Wardens, or any three or more of them, and diſcharge all Coſts of Suits at the Time of ſuch Payment accrued, the Suit and Proceedings on ſuch Recognizance ſhall be diſcontinued.

And if forfeited to be ſued in the Supreme Court, or Mayors Court, at the Requeſt of any Perſon aggrieved.

Amount of Recognizance to be paid to the Maſter and Wardens;

Who are to apply the ſame to pay the Party grieved.

When Suits againſt Pilots ſhall be diſcontinued.

VII. *And be it further Enacted by the Authority aforeſaid*, That every Branch Pilot, commiſſioned as aforeſaid, ſhall be no longer a Branch Pilot than he continues to be, *Bona Fide*, the Owner or Part Owner of a Pilot Boat, and does keep ſuch Boat really and only employed in Service as a Pilot Boat; and in Caſe any ſuch Branch Pilot ſhall ſell or diſpoſe of his Property in ſuch Pilot Boat (not having then another Pilot Boat in Service) or ſhall employ ſuch Pilot Boat, or ſuffer her to be employed in any other Service than that of a Pilot Boat, ſuch Branch Pilot ſhall thereby forfeit his Branch, and by the Maſter and Wardens of the Port, or any three or more of them, be ſuſpended as aforeſaid, from his Office of Branch Pilot.

Every Branch Pilot to be Owner or part Owner of a Pilot Boat, or forfeit his Branch.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the Maſter and Wardens of the Port of *New-York*, for the Time being, ſhall be, and they or any two or more of them, are hereby appointed Surveyors for the ſurveying of damaged Goods which ſhall be brought into the Port of *New-York* in any Ship or other Veſſel; and in like Manner with the Aſſiſtance of one or more ſkilful Carpenter or Carpenters, to be Surveyors of any Veſſel or Veſſels that may be deemed or thought unfit to proceed to Sea; and the ſaid Maſter and Wardens, or any two or more of them, ſhall thereupon give Certificates under their Hands and Seals, how the Goods or Veſſels ſurveyed, appeared to them, and ſhall cauſe an Entry thereof to be made in a Book, to be kept in their Office for that Purpoſe, for which Certificate and Entry their Clerk ſhall

Maſter and Wardens appointed Surveyors of Damaged Goods and Veſſels.

shall be entitled to a Fee of *Ten Shillings*, and no more, and the Master and Wardens shall be allowed at the Rate of *Twenty Shillings* for each Day, and in that Proportion for the one Half or the one fourth Part of a Day, and any Survey of Goods or Vessels performed or made in any other Manner than is herein directed and prescribed, shall not be valid or authentic.

Fees for surveying Goods and Vessels.

IX. *And be it further Enacted by the Authority aforesaid*, That before the Master or Wardens enter upon the Execution of their said Offices, they shall severally take an Oath before the Mayor of the City of *New-York*, for the Time being, in the Words following, *That is to say*,

Oath of the Master and Wardens.

I *will, well, truly and impartially, according to the Best of my Skill and Understanding, execute the Powers vested in me, by Virtue of a Law of this State, entitled*, An *Act* for the Regulation of Pilots and Pilotage for the Port of *New-York*, and for other Purposes therein mentioned. So HELP ME GOD.

X. *And be it further Enacted by the Authority aforesaid*, That the Master and Wardens of the Port of *New-York*, shall keep an Office in the City of *New-York*, and provide and keep a Clerk, and a proper Book or Books, and therein shall cause regular and fair Entries to be made of all their Transactions and Proceedings by Virtue of this Act, to which all Persons may have Recourse; and the Clerk so by them to be appointed, is hereby empowered to receive all pilotage Money, which shall from Time to Time become due to any of the Pilots or Deputy Pilots by Virtue of this Act, and on Neglect or Refusal of Payment, to sue and prosecute in his own Name for the Recovery of the same, before the Mayor or Recorder, or any one of the Aldermen of the City of *New-York*, who are hereby respectively empowered to hear, try and determine the same in a summary Way, and to award Execution for the Sum or Sums adjudged, with Costs of Suit, and such Clerk shall keep a separate and distinct Account with each and every of the said Pilots, of all the Monies he shall and may receive to their Use respectively, and once in every three Months shall pay the same to them severally, retaining three per Cent. for his trouble in the Premises; and all Fines and Forfeitures that shall arise by Virtue of this Act, except the forfeited Recognizances of Pilots or Deputy Pilots, shall be sued for and recovered by, and in the Name of the said Clerk, in Manner aforesaid, and any such Suit shall not discontinue or abate by the Decease, Resignation or Removal from Office of such Clerk; and all such Fines and Forfeitures, and the Sum or Sums recovered on any such forfeited Recognizance, and not applied in Discharge of Damages as aforesaid, shall be paid to the said Master and Wardens, and be by them applied towards defraying the necessary Expences they shall be put to, in executing and discharging the Trusts hereby reposed in them; and every such Clerk is hereby directed and required, to enter into Bond with sufficient Surety or Sureties to the said Master and Wardens, in the Sum of *Five Hundred Pounds*, with a Condition, that he will well and faithfully discharge the Trusts reposed in him by this Act.

Master and Wardens to keep an Office and a Clerk, who is to receive the pilotage Money.

Clerk authorised to sue for Pilotage,

And to pay the Pilots, deducting 3 per Cent. Commission.

Fines how to be sued for

And disposed of.

Bond to be entered into by the Clerk.

XI. *And be it further Enacted by the Authority aforesaid*, That the Pilotage for any Vessel outward bound, shall be paid or secured to be paid to the said Clerk, for the Use of the Pilot, who shall take Charge of the Vessel, before such Vessel shall break Ground in the Port of *New-York*, and if the Pilot for whose Use such pilotage Money shall have been paid or secured to be paid, shall neglect or fail in doing his Duty in piloting such Vessel, the pilotage Money paid shall be restored to the Payer, or the Security given be cancelled and become void, as the Case may happen to be.

Pilotage of Vessels outward bound, how to be paid.

XII. *And be it further Enacted by the Authority aforesaid*, That if any Vessel going out of the Port of *New-York*, shall carry off to Sea, through the Default

Pilots carried to Sea to be allowed Mates Wages.

A. D. 1784. Inde. U. S. VIII.

Default of the Maſter or Owner of ſuch Veſſel, any Pilot or Deputy Pilot, when a Boat is attending to receive ſuch Pilot or Deputy Pilot from on Board of ſuch Veſſel, the Maſter or Owner of ſuch Veſſel ſhall pay to the Maſter and Wardens of the Port of *New-York*, for the Uſe of ſuch Pilot or Deputy Pilot, beſides the Pilotage of ſuch Veſſel, the like Wages per Month until he ſhall return to the Port of *New-York*, as the monthly Wages allowed to the Mate of ſuch Veſſel: *Provided*, That ſuch Pilot or Deputy Pilot ſhall have performed the Duties required of him by this Act: *And provided alſo*, That ſuch Pilot, or Deputy, ſhall, as far as in his Power, perform the uſual Duties of a Seaman on Board of ſuch Veſſel after being ſo carried off; and if any Money ſhall have been advanced or paid to ſuch Pilot by the Maſter or Owner of, or Factor for ſuch Veſſel, the ſame ſhall be credited and deducted from the Monies to be paid to the Clerk of the Maſter and Wardens, for the Uſe of ſuch Pilot or Deputy Pilot.

The Council of Appointment may appoint Branch Pilots for the Channel of the Eaſt-River.

XIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for his Excellency the Governor, or Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, from Time to Time during the Continuance of this Act, to appoint and commiſſion ſo many Branch Pilots as by them ſhall be thought neceſſary for the ſafe Pilotage of Veſſels which may require the ſame, to and from the Port of *New-York*, through the Channel of the Eaſt-River or Sound, commonly called *Hell-Gate*; and the ſaid Maſter and Wardens ſhall eſtabliſh the Rates of Pilotage, and make from Time to Time ſuch Rules and Regulations for the ordering and directing the ſaid Pilots, as ſhall be by them judged neceſſary and expedient.

Maſter and Wardens to eſtabliſh the Rates of Pilotage.

Maſter and Wardens exempted from ſerving as Jurors.

XIV. AND as the ſaid Maſter and Wardens muſt neceſſarily give Attendance to the Duties of their Office; *Be it further Enacted by the Authority aforeſaid*, That either of them reſpectively, ſhall not be liable to ſerve as a Grand or Petit Juror, during his Continuance in the ſaid Office.

A Whale-Boat to be kept at *Sandy-Hook*.

XV. *And be it further Enacted by the Authority aforeſaid*, That the Branch Pilots and Deputy Pilots of the Port of *New-York*, ſhall keep, and they are hereby required to keep, at their joint Expence, a good and ſufficient Whale-Boat at *Sandy-Hook*, furniſhed with a ſufficient Number of Oars, and in good Repair; that ſuch Whale-Boat ſhall be ready at *Sandy-Hook*, and furniſhed as aforeſaid, on or before the firſt Day of *October* next; and that the Clerk of the ſaid Maſter and Wardens ſhall retain in his Hands, out of the Monies for Pilotage that ſhall become due to the ſaid Pilots and Deputy Pilots, a Sum ſufficient to pay for ſuch Boat, and ſhall therewith pay for the ſame; and ſhall from Time to Time in like Manner, retain Monies ſufficient to keep the ſaid Boat in Repair, and furniſhed as aforeſaid.

Maſters of Veſſels refuſing to take Pilots on Board to pay Half Pilotage.

XVI. *And be it further Enacted by the Authority aforeſaid*, That if the Maſter of any Ship or Veſſel coming to the Port of *New-York*, ſhall refuſe to receive on Board, and employ a Pilot, the Maſter or Owner of ſuch Veſſel ſhall pay to ſuch Pilot who ſhall have offered to go on Board, and take Charge of the Pilotage of ſuch Veſſel, half Pilotage from the Place at which ſuch Pilot ſhall have offered himſelf, to the ſaid Port of *New-York*.

Printed Inſtructions to be delivered to Pilots.

XVII. *And be it further Enacted by the Authority aforeſaid*, That the Maſter and Wardens of the Port of *New-York*, ſhall furniſh every Pilot and Deputy Pilot with printed Inſtructions, to be ſhewn and delivered by ſuch Pilot or Deputy Pilot to the Maſter or Commander of every Veſſel, as ſoon as he ſhall go on Board to take Charge of ſuch Veſſel to pilot her into the ſaid Port, which Inſtructions ſhall be ſtrictly obſerved by every Branch Pilot or Deputy Pilot, and Maſter of a Veſſel, at their Perils reſpectively.

XVIII. *And*

A. D. 1784.
Inde. *U. S.* VIII.

XVIII. *And whereas* it may happen by Deceaſe, Removal or otherwiſe, in the Receſs of the Council of Appointment, that the Number of Pilots neceſſary for the Port of *New-York* may be ſo reduced as to occaſion much Inconvenience to the Trade of the State; For Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That the Maſter and Wardens of the ſaid Port, or any three or more of them, are hereby empowered on ſuch peculiar Occaſions as aforeſaid, by Warrant or Warrants under their Hands and Seals, to employ ſuch Perſon or Perſons, qualified as herein before directed, to act as Pilots for any Term not exceeding ſix Months from the Day of the Date of ſuch Warrant; and every Perſon ſo employed as a Pilot by ſuch Warrant ſhall, during ſuch Time of Employment, be ſubject to the like Rules, Orders and Regulations, and liable to the like Fines, Penalties and Forfeitures as other Pilots who ſhall be appointed in Virtue of this Act.

When Perſons may be empowered by Warrant of Maſter and Wardens to act as Pilots.

CHAP. XXXII.

An ACT *to eſtabliſh the Rates of Wharfage and Cranage within the City of* New-York.

Paſſed 17th April, 1784.

Preamble.

WHEREAS it hath been found by Experience, that the Wharfs fronting the *Eaſt* and *Hudſon*'s Rivers in the City of *New-York*, have conduced to the Increaſe and Advantage of Trade and Navigation to and from the ſaid City, in the lading and unlading of Ships and other Veſſels: And for as much as the Owners and Proprietors thereof have been at a very great Expence, not only in the making, erecting and building, but alſo in maintaining and keeping the ſame from Time to Time in good and ſufficient Repair, to anſwer the Purpoſes aforeſaid;

Rates of Wharfage eſtabliſhed.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful, to and for the preſent Owners and Proprietors of the ſaid mentioned Wharfs, or the Owners or Proprietors thereof for the Time being, to aſk, demand, take and receive to and for their ſeveral and reſpective Uſes, for all Ships and Veſſels uſing, or that ſhall uſe the ſame, from and after the paſſing hereof; *that is to ſay*, For each Ship or other Veſſel, of the Burthen of ſixty Tons, and under the Burthen of one Hundred Tons, at and after the Rate of *Three Shillings* per Day; for every Ship or other Veſſel, of the Burthen of one Hundred Tons, and under the Burthen of two Hundred Tons, at and after the Rate of *Four Shillings* and *Six-pence* per Day; for every Ship or other Veſſel, of the Burthen of two Hundred Tons, and under the Burthen of three Hundred Tons, at and after the Rate of *Five Shillings* per Day; for every Ship or other Veſſel, of the Burthen of three Hundred Tons, and under the Burthen of five Hundred Tons, at and after the Rate of *Six Shillings* per Day; and for every Ship or other Veſſel, of the Burthen of five Hundred Tons and upwards, at and after the Rate of *Seven Shillings* and *Six-pence* per Day, lawful Money of this State, for every Day that ſuch Ships or Veſſels reſpectively, ſhall uſe and be made faſt to any of the Wharfs herein before mentioned. *Provided always*, That nothing in this Act contained, ſhall be conſtrued, deemed or taken to eſtabliſh a Rate of Wharfage for Veſſels employed between one Port and another within this State; and that the Maſter or Owners of ſuch Veſſels and Owners of Wharfs, may adjuſt the Wharfage to be paid for ſuch laſt mentioned Veſſels, on ſuch Terms as they may from Time to Time mutually agree upon; and in Caſe of a Difference between the Maſter of any ſuch Veſſel laſt mentioned, and the Owner or Owners of any Wharf, the ſame ſhall be determined by the Maſter and Wardens of the Port of *New-York*, whoſe Deciſion ſhall be final.

Not to extend to Veſſels employed between one Port and another in this State.

A. D. 1784. Inde. *U. S.* VIII.

Diſputes about Wharfage, how to be ſettled.

II. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Difference or Diſpute ſhall happen between the Proprietor or Proprietors, Wharfinger or Wharfingers of any of the Wharfs aforeſaid, and the Maſter, Commander, Owner or Agent of any Ship or other Veſſel, concerning the Burthen of ſuch Ship or other Veſſel, in order to aſcertain the Rate of Wharfage as herein before eſtabliſhed, that in ſuch Caſe, and in all ſuch Caſes, as often as the ſame ſhall ſo happen, upon the Application of either of the Parties to the Maſter and Wardens of this Port, the ſaid Maſter and Wardens, or any one of them, are hereby required and authoriſed to decide ſuch Difference and Diſpute, by proceeding to meaſure ſuch Ship or Veſſel, or in ſuch other Manner as in the Opinion of the ſaid Maſter and Wardens, or of any one of them, can be moſt conveniently and accurately performed, and ſhall, if required by either of the Parties, give a Certificate in Writing by him or them, with his or their Names ſubſcribed, expreſſing the Tonage of ſuch Ship or other Veſſel according to his or their Determination, which ſhall be final with Reſpect to the Rate of Wharfage thereof, and in all ſuch Caſes the Expences thereof, which ſhall not exceed the Sum of *Ten Shillings*, ſhall be paid by the Party againſt whom ſuch Determination as aforeſaid, ſhall be given.

Veſſels only lying faſt to Wharfs, to remove for the Unloading of others,

On Penalty of £.5.

III. *And be it further Enacted by the Authority aforeſaid*, That every Ship or other Veſſel, which at any Time after the paſſing hereof, ſhall only lie faſt to any or either of the ſaid Wharfs, ſhall be obliged to move off from thence in order to make Room for and ſuffer any other Ship or Veſſel to load, unload or careen thereat; and on Refuſal or Failure ſo to do, after Notice and Requeſt thereof, to the Maſter or Commander, or to any one of the Owners of ſuch Ship or other Veſſel, he or they ſhall forfeit and pay to the Owner or Owners of the ſaid Wharf, the Sum of *Five Pounds*.

Where half Wharfage is to be paid.

IV. *And be it further Enacted by the Authority aforeſaid*, That all and every Ship or other Veſſel that ſhall make faſt to any other Ship or Veſſel, that ſhall or may be faſtened to any or either of the ſaid Wharfs, and ſhall continue ſo to lie faſtened, or ſhall ſo load, unload or careen, ſhall be ſubject and liable to pay, and ſhall pay, the one Half of the Rate that ſuch Ship or other Veſſel would have been liable to pay, in Caſe they were faſtened to any or either of the ſaid Wharfs, and there loaded, unloaded or careened.

Where coaſting Veſſels are to make Room for Sea Veſſels.

Penalty.

V. *And be it further Enacted by the Authority aforeſaid*, That all coaſting Veſſels lying faſt at any or either of the ſaid Wharfs, and not being actually loading, unloading or careening, ſhall, on Requeſt, be made looſe and moved off to make Room for, and ſuffer any Sea Veſſel or Veſſels, paying a higher Rate, to be brought in her or their Place or Places; and that on Neglect or Refuſal ſo to do, the Maſter, Commander or Owner of every ſuch coaſting Veſſel or Veſſels, ſhall pay ſuch Rate or Rates as the Sea Veſſel or Veſſels would have been liable to pay, which really and *bona fide* was, or were intended to have been there loaded, unloaded or careened.

Wharfingers how to be appointed.

Their Powers.

VI. *And whereas* it may be difficult as well as inconvenient for the Owners and Proprietors of the ſeveral Wharfs aforeſaid, perſonally to attend, collect and receive the Rates due, and to become due for Wharfage of Ships and other Veſſels; *Be it therefore Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Owner or Owners of the ſaid Wharfs for the Time being, to appoint a proper and fit Perſon to be the Wharfinger or Overſeer thereof, for and during his or their Will and Pleaſure, and ſhall and may, at his and their like Will and Pleaſure, diſplace and remove ſuch Perſon ſo appointed, and other or others in his and their Room and Stead, when, and as often as to him or them ſhall ſeem meet, to appoint; and ſuch Perſon ſo appointed Wharfinger, ſhall, while he continues in that Office, have the

the Power of regulating and ordering of the Wharf he ſhall be ſo appointed for as aforeſaid, and of the Births of all ſuch Ships and other Veſſels, as ſhall load, unload, careen or faſten to the ſame; and moreover, ſhall have full Power and Authority, either in his own Name or in the Name or Names of the Owner or Owners, or Proprietors of ſuch Wharf or Wharfs, to aſk, ſue for, demand and receive, the Wharfage thereof as it ſhall become due.

Maſter, Owner, Agent or Factor to pay the Wharfage.

VII. *And be it further Enacted by the Authority aforeſaid*, That the Maſter or Commander, Owner or Owners of any Veſſel uſing any of the Wharfs mentioned in this Act, and in Caſe of his or their Abſence out of the State, his or their Agent or Agents, Factor or Factors, to whom ſuch Veſſel ſhall be conſigned or addreſſed, ſhall be liable to pay the Sum due for the Wharfage of ſuch Veſſel, after the Rates eſtabliſhed in and by this Act, either to the Owner or Owners of ſuch Wharf, or to the Wharfinger in Behalf of ſuch Owner or Owners: *Provided*, That ſuch Factor or Factors, Agent or Agents, ſhall be liable to pay the ſame, only where an Account ſhall have been delivered to, or in Caſe of the Abſence of ſuch Factor or Factors, Agent or Agents, left at his or their laſt uſual Place of Abode, and the Money there demanded before the Sailing or Departure of ſuch Veſſel from Port; any Thing herein to the Contrary in any wiſe notwithſtanding.

Agent or Factor only to pay, if demanded before the Departure of the Veſſel.

Lumber to be removed from Wharfs.

VIII. *And whereas* the Wharfs before mentioned, are often incumbered by Lumber, Mill-Stones or other Merchandize, and by Means thereof the Loading and Unloading of Veſſels is much incommoded, and the paſſing and repaſſing of Carts and Carriages is very much impeded, retarded and hindered; *Be it therefore Enacted by the Authority aforeſaid*, That if any or either of the ſaid Wharfs, ſhall at any Time or Times hereafter be ſo incumbered, as to ſubject the ſame to any or either of thoſe Inconveniences, the Owner or Wharfinger of ſuch Wharf or Wharfs reſpectively for the Time being, ſhall either perſonally notify, or by Notice in Writing, to be left at the Place of Reſidence of the Owner or Owners of ſuch Lumber or other Goods, his or their Factor or Factors, require him or them to remove the ſame from thence, within a reaſonable Time; and if the ſame ſhall not be removed accordingly, the Owner of the ſaid Wharf or Wharfinger, is hereby empowered to remove the ſame, and keep them in his Cuſtody until the whole Charges attending the Removal, and alſo the Storage of ſuch Goods be paid by the Owner or Claimer thereof; and in Caſe the Owner of ſuch Goods, or his Factor, is not to be found in the City of *New-York*, the Owner of the ſaid Wharf or Wharfinger may at his Diſcretion remove the ſaid Goods as herein before directed.

Not to impair the Right the Corporation have to Docks and Slips.

IX. *Provided always, and be it Enacted by the Authority aforeſaid*, That nothing herein contained ſhall impair the Right which the Mayor, Aldermen and Commonalty of the City of *New-York*, have to Docks and Slips herein before mentioned; but that the ſame ſhall be ſaved to them and their Succeſſors as fully as if this Act had not been made.

Rates of Cranage.

X. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful, to and for the Owner and Owners reſpectively of every Crane, that now is or hereafter ſhall be made, erected and built, on any or either of the Wharfs aforeſaid, or any Part thereof, to aſk, demand, take and receive, for his and their ſeveral and reſpective Uſe and Uſes, from the Maſter, Commander or Owner of any Ship or other Veſſel that ſhall employ ſuch Crane or Cranes, the Rates following; *that is to ſay*, For taking out and putting in the Maſt of every Sloop of the Burthen of eighty Tons, or upwards, the Sum of *Forty Shillings*; and for taking out or putting in the Maſt of any Sloop of eighty Tons or upwards, *Twenty-five Shillings*; for taking out and putting

A.D. 1784. Inde. *U. S.* VIII.

putting in the Maſt of any ſquare rigged Veſſel of the Burthen of two Hundred Tons and upwards, the Sum of *Thirty Shillings*; and for taking out and putting in the Maſt of any ſquare rigged Veſſel or Schooner under the Burthen of two Hundred Tons, *Twenty-five Shillings*; for taking out or putting in the Maſt of any ſquare rigged Veſſel of the Burthen of two Hundred Tons or upwards, the Sum of *Twenty-five Shillings*; and for taking out or putting in the Maſt of any ſquare rigged Veſſel or Schooner under the Burthen of two Hundred Tons, *Twenty Shillings*, lawful Money aforeſaid.

CHAP. XXXIII.

An ACT *for making ſuch Alterations in the Charter of the Corporation of Trinity Church as to render it more conformable to the Conſtitution of the State.*

Paſſed 17th April, 1784.

Preamble, Reciting the Stile of the Corporation in their Charter, dated *May* 6, 1697.

Name altered, 11th Seſſ. Ch. 66.

Privileges granted *June* 27, 1697.

That Parts of the Charter are inconſiſtent with the Conſtitution of this State.

Other Parts of the Charter, and Law againſt the religious Equality deſigned by the Conſtitution.

WHEREAS by Letters Patent under the Great Seal of the then Colony, and now State of *New-York*, bearing Date the ſixth Day of *May*, in the Year of our Lord One Thouſand Six Hundred and Ninety-ſeven, many of the Inhabitants of the City of *New-York*, Members of the Church of *England*, were erected into a Corporation, by the Name and Stile of, *The Rector and Inhabitants of the City of* New-York, *of the Proteſtant Church of* England, *as by Law eſtabliſhed; And whereas* on the Twenty-ſeventh Day of *June*, in the Year of our Lord One Thouſand Seven Hundred and Four, the Legiſlature of the then Colony, and now State aforeſaid, did paſs a Law, entitled, *An* Act *for granting ſundry Privileges and Powers to the Rector and Inhabitants of the City of* New-York, *in Communion of the Church of* England, *as by Law eſtabliſhed: And whereas* thoſe Parts of the ſaid Charter which render neceſſary the Induction of a Rector to the ſaid Church by the Governor, according to ſuch Inſtructions as he ſhall, from Time to Time, receive from his *Britannic* Majeſty, and ſuch other Parts of the ſaid Charter and Law as admit and acknowledge that Rights exiſt in the Biſhop of *London*, in and over the ſaid Church, are inconſiſtent with the Spirit and Letter of the Conſtitution of this State. *And whereas* certain other Parts of the ſaid Charter and Law, and of a certain other Law paſſed the Twenty-ſecond Day of *September*, in the Year of our Lord One Thouſand Six Hundred and Ninety-three, by the Legiſlature of the then Colony aforeſaid, entitled, *An* Act *for ſettling a Miniſtry, and raiſing a Maintenance for them in the City of* New-York, *and County of* Richmond, Weſtcheſter *and* Queen's *County*, are contradictory to that Equality of religious Rights which is deſigned to be eſtabliſhed by the Conſtitution of this State;

Part of the old Charter, and Law relating to the Church, repealed.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That ſo much of the Charter to the ſaid Body Corporate above particularly mentioned, and ſo much of the ſaid Law firſt above particularly mentioned, as relate to the Induction of the Rector by the Governor, to the Powers or Authority of the Biſhop of *London*, in and over the ſaid Corporation, and to the collecting and levying a Sum of Money upon the City of *New-York*, for the Uſe of the Rector or incumbent in the ſaid Law mentioned, be, and they are hereby repealed and annulled; and that nothing in this Law, nor no Non-uſer or Miſ-uſer, between the nineteenth Day of *April*, One Thouſand Seven Hundred and Seventy-five, and the paſſing of this Law, ſhall be in any wiſe conſtrued to annul, injure, repeal or make void, the ſaid Charter, or the ſaid Law firſt above particularly mentioned, where the ſame are not inconſiſtent with the Conſtitution of this State.

Nothing in this Law, nor any Non-uſer or Miſ-uſer ſhall annul the Charter.

Church-Wardens and Veſtry to call and induct a Rector.

II. *And be it further Enacted, and it is hereby Enacted by the Authority aforeſaid*, That the Church-Wardens and Veſtrymen of the ſaid Corporation, or a Majority of them, be veſted with full Powers to call and induct a Rector to the ſaid Church, ſo often as there ſhall be any Vacancy therein.

III. *And*

A. D. 1784.
Inde. *U. S.* VIII.

III. *And whereas* Doubts have ariſen on thoſe Parts of the ſaid Charter and Law firſt above mentioned, which ſpeak of Inhabitants in Communion of the ſaid Church of *England*; For Removal whereof, *Be it further Enacted by the Authority aforeſaid*, That all Perſons profeſſing themſelves Members of the Epiſcopal Church, who ſhall either hold, occupy or enjoy a Pew or Seat in the ſaid Church, and ſhall regularly pay to the Support of the ſaid Church, and ſuch others as ſhall in the ſaid Church partake of the Holy Sacrament of the Lord's Supper, at leaſt once in every Year, being Inhabitants of the City and County of *New-York*, ſhall be entitled to all the Rights, Privileges, Benefits and Emoluments, which in and by the ſaid Charter and Law firſt above mentioned, are deſigned to be ſecured to *The Inhabitants of the City of New-York in Communion of the Church of England.*

Deſcription of Perſons who ſhall be entitled to all the Charter Rights.

IV. *And whereas* by the Events of War, and in Conſequence of the Capture of the City of *New-York* by the Troops of his *Britannic* Majeſty, many of the well-affected Inhabitants of the ſaid City, who by the ſaid Charter and Law were entitled to vote for Members of the ſaid Corporation, were prevented from the due Exerciſe of their Rights, and many others who remained in this City, were deterred from voting by well-grounded Apprehenſions of the Forces of his *Britannic* Majeſty, then in Poſſeſſion of the ſaid City: By Reaſon whereof, no Elections were held, but under the Influence of the Government of *Great-Britain*, then at open War with this State; *And whereas* the Council appointed by the Act of the Legiſlature, entitled, ‡ *An Act to provide for the temporary Government of the Southern Parts of this State, whenever the Enemy ſhall abandon or ſhall be diſpoſſeſſed of the ſame, and until the Legiſlature can be convened*, paſſed the Twenty-third of *October*, One Thouſand Seven Hundred and Seventy-nine, upon the Petition of ſundry Perſons, ſtiling themſelves Members of the ſaid Church; and after a full Hearing of certain other Perſons, claiming to be the Church-Wardens and Veſtrymen of the ſaid Church, reciting that there was, in the Opinion of the Council, Reaſon to believe that the Diſſentions reſpecting the ſaid Church, might materially endanger the Peace of the ſaid City, did, in Effect, determine the ſaid Places of Church-Wardens and Veſtrymen to be vacant; and by their Ordinance, dated the twelfth Day of *January*, One Thouſand Seven Hundred and Eighty-four, did veſt the Eſtate, real and perſonal, of the ſaid Corporation, in *James Duane*, *Francis Lewis*, *Lewis Morris*, *Iſaac Sears*, *William Duer*, *Daniel Dunſcomb*, *Anthony Liſpenard*, *John Rutherford* and *William Bedlow*, to be retained and kept by them, or any five of them, until ſuch Time as further legal Proviſion ſhould be made in the Premiſes; *And whereas* it appears that the following Perſons have been nominated and choſen by a very reſpectable Number of the Members of the ſaid Corporation and Society, as Church-Wardens and Veſtrymen, and by their humble Petition have prayed, that the ſaid Perſons may be appointed as ſuch; *Be it therefore further Enacted, and it is hereby Enacted by the Authority aforeſaid*, That *James Duane* and *Robert R. Livingſton*, be the preſent Church-Wardens of the ſaid Corporation; and that *Anthony Griffiths*, *Hercules Mulligan*, *Marinus Willett*, *John Stevens*, *Robert Troup*, *Thomas Tucker*, *Joſhua Sands*, *Richard Morris*, *Francis Lewis*, *Lewis Morris*, *Iſaac Sears*, *Daniel Dunſcomb*, *William Bedlow*, *William Duer*, *John Rutherford*, *Anthony Liſpenard*, *Thomas Grennel*, *William Mercier*, *Thomas Tillotſon* and *Chriſtopher Miller*, be the Veſtrymen of the ſaid Corporation; the ſaid Church-Wardens and Veſtrymen to hold their Places until the firſt uſual Day of Election for Church-Wardens and Veſtrymen, which ſhall be held after Eaſter Sunday, which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-five, and that in the mean Time, in Caſe of any Vacancy, by Death or Reſignation of the Rector, or either of the Church-Wardens or Veſtrymen, ſuch Vacancy to be filled up by the

Preamble, Deſcribing who could not vote for Members of the Corporation.

Determination of the late Council reſpecting the Officers.
‡ 3*d Seſſ. Ch.* 28.

The Eſtate of the Corporation veſted in nine Perſons.

Preſent Church-Wardens and Veſtrymen appointed.

Their Continuance in Office.

Vacancies how to be filled up.

A. D. 1784. Inde. *U. S.* VIII.

the remaining Church-Wardens and Veſtrymen, in ſuch Manner as is preſcribed in and by the Charter and Law conſtituting the ſaid Corporation as aforeſaid.

This Act not to injure the Title of any Perſon.

V. *Provided nevertheleſs, and be it further Enacted by the Authority aforeſaid,* That nothing in this Act contained, ſhall be conſtrued, deemed or taken, to prejudice or injure the Right or Title of any Perſon or Perſons whatſoever, to any of the Lands or Tenements occupied or claimed by the Corporation aforeſaid.

VI. AND in order fully to carry into full Effect thoſe Parts of the Conſtitution of this State, which declare, "That the free Exerciſe and Enjoyment of religious Profeſſion and Worſhip, without Diſcrimination or Preference, ſhall, forever hereafter be allowed within this State to all Mankind;" and that all Acts of the Legiſlature of this State, while a Colony, and all Parts thereof which may be conſtrued to eſtabliſh or maintain any particular Denomination of Chriſtians, or their Miniſters, be abrogated and rejected as repugnant to the ſaid Conſtitution: And in order to remove all Doubts which may ariſe in the Minds of any Perſons, with Reſpect to the Continuance, Force and Effect of a certain Act of the Legiſlature of this State while a Colony, paſſed on the Twenty-ſecond Day of *September*, One Thouſand Six Hundred and Ninety-three, entitled, *An* Act *for ſettling a Miniſtry, and raiſing a Maintenance for them in the City of* New-York, *County of* Richmond, Weſtcheſter *and* Queen's *County;* and alſo of one other Act, paſſed on the Twenty-ſeventh Day of *June*, One Thouſand Seven Hundred and Four, entitled, *An* Act *for granting ſundry Privileges and Powers to the Rector and Inhabitants of the City of* New-York, *of the Communion of the Church of* England, *as by Law eſtabliſhed*; and alſo of one other Act, paſſed on the fourth Day of *Auguſt*, One Thouſand Seven Hundred and Five, entitled, *An* Act *for the better explaining and more effectually putting in Execution an Act of General Aſſembly, entitled, An* Act *for ſettling a Miniſtry, and raiſing a Maintenance for them in the City of* New-York, *County of* Richmond, Weſtcheſter *and* Queen's *County;* and alſo of one other Act, paſſed on the Twenty-ſeventh Day of *July*, One Thouſand Seven Hundred and Twenty-one, entitled, *An* Act *for the more equal and impartial aſſeſſing the Miniſter, and Poor's Tax to be raiſed within the City and County of* New-York, Queen's *County*, Weſtcheſter *County, and the County of* Richmond; and alſo of one other Act, paſſed the Twenty-firſt Day of *September*, One Thouſand Seven Hundred and Forty-four, entitled, *An* Act *to alter the Time of electing Veſtrymen and Church-Wardens in* Richmond *County;* and alſo certain Parts of one other Act, paſſed the Twenty-ninth Day of *November*, One Thouſand Seven Hundred and Forty-five, entitled, *An* Act *to enable the Inhabitants of the City of* New-York, *to chooſe annually, two Veſtrymen for each reſpective Ward within the ſaid City;* which do grant certain Immunities, Emoluments and Privileges to the Epiſcopal Church, or that Mode of religious Worſhip commonly called the Church of *England*, in the City and County of *New-York*, and the Counties of *Richmond*, *Queen*'s and *Weſtcheſter*, and do eſtabliſh and maintain the Miniſters of that Denomination within the ſaid Counties, and do alſo declare or imply a Pre-eminence or Diſtinction of the ſaid Epiſcopal Church, or Church of *England*, over all other Churches, and other religious Denominations; *Be it therefore further Enacted by the Authority aforeſaid*, That the ſaid Acts for ſettling the Miniſtry, and raiſing a Maintenance for them in the City of *New-York*, Counties of *Richmond*, *Weſtcheſter* and *Queen*'s County, for granting ſundry Privileges and Powers to the Rector and Inhabitants of the City of *New-York*, of the Communion of the Church of *England*, as by Law eſtabliſhed, for the better explaining and more effectually putting in Execution an Act of the General Aſſembly, entitled, *An* Act *for ſettling the Miniſtry and raiſing a Maintenance for them in the City of* New-York,

Preamble; reciting certain Acts,

Implying a Pre-eminence of the Church of *England* above others.

Such Acts repealed.

A. D. 1784. Inde. *U. S.* VIII.

New-York, *County of* Richmond, Weſtcheſter *and* Queen's *County, for the more equal and impartial aſſeſſing the Miniſter and Poor's Tax, to be raiſed in the City and County of* New-York, Queen's *County*, Weſtcheſter *County, and the County of* Richmond, *for altering the Time of electing Veſtrymen and Church-Wardens in* Richmond *County;* and alſo ſuch certain Parts of the Act for enabling the Inhabitants of the City of *New-York*, to chooſe annually two Veſtrymen for each reſpective Ward within the ſaid City, as do imply ſuch Pre-eminence and Diſtinction, be, and are hereby declared to be fully and abſolutely abrogated, aboliſhed, annulled, repealed and made void, as inconſiſtent with, and repugnant to the Conſtitution of this State: *And it is hereby further declared*, That nothing in this Act contained, ſhall in any wiſe be conſtrued or underſtood, to give any Kind of Pre-eminence or Diſtinction to the Epiſcopal Mode of religious Worſhip within this State; but, that an univerſal Equality between every religious Denomination, according to the true Spirit of the Conſtitution towards each other, ſhall for ever prevail.

Equality between religious Denominations.

VII. *And be it further Enacted by the Authority aforeſaid*, That nothing in this Act contained, ſhall be deemed, eſteemed, adjudged or conſtrued, to enlarge or confirm any Right, Power or Authority, but ſuch as the ſaid Corporation legally had, held and enjoyed on the nineteenth Day of *April*, One Thouſand Seven Hundred and Seventy-five, and ſuch other Powers, Rights and Authorities as are expreſsly given by this Act.

This Act not to confirm any Power but ſuch as the Corporation had the 19th *April*, 1775.

CHAP. XXXIV.

An ACT *for the Relief of inſolvent Debtors within this State.*

Paſſed 17th April, 1784.

Revived and amended 8th Seſſ. Ch. 14. *Further amended* 10*th Seſſ. Ch.* 67. *Obſolete.*

CHAP. XXXV.

An ACT *for the Settlement and Relief of the Poor.*

Paſſed 17th April, 1784.

Repealed 11*th Seſſ. Ch.* 62. *Sec.* 38.

CHAP. XXXVI.

An ACT *for the Relief of Widows and Orphans of Officers and Soldiers of the Line of this State, and of the Militia thereof.*

Paſſed 17th April, 1784.

Obſolete.

CHAP. XXXVII.

An ACT *for the Appointment of a Commiſſioner of Exciſe in the City and County of* New-York, *and other Purpoſes therein mentioned.*

Paſſed 20th April, 1784.

Expired 1*ſt* March, 1788.

CHAP. XXXVIII.

An ACT *to repeal an Act, entitled, An* Act *for ſettling a Miniſtry and raiſing a Maintenance for them in the City of* New-York, *County of* Richmond, Weſtcheſter *and* Queen's *County, and alſo the ſeveral other Acts therein mentioned.*

Paſſed 20th April, 1784.

Preamble.

WHEREAS by Virtue of ſundry Acts herein after enumerated, paſſed by the Legiſlature of the late Colony of *New-York*, the Inhabitants in the City and County of *New-York*, County of *Richmond*, *Weſtcheſter* and *Queen's* County, without Diſtinction, have for many Years been compelled to pay

A. D. 1784. Inde. U. S. VIII.

pay Taxes, for the Support of the Epiſcopal Clergy in the ſaid Counties, contrary to every Principle of Juſtice and ſound Policy; *And whereas* by Colour of ſuch Laws it has been pretended, that the Epiſcopal Churches were eſtabliſhed in the ſaid Counties, and Claims in Conſequence thereof have been ſet up, and Proſecutions commenced injurious to the Rights and Privileges of other religious Denominations, to the great Vexation and Diſquiet of the good People of this State; *And whereas*, although the Spirit of the ſaid Laws are repugnant to the Conſtitution of this State, as tending to eſtabliſh and maintain a particular Denomination of Chriſtians, and the Miniſters thereof, it appears nevertheleſs incumbent on the Legiſlature of this State, in order to remove every Ground of Uneaſineſs that may ariſe from ſuch pretended Claims in future, that the ſaid Laws ſhould be repealed;

Acts of the late Colony repealed.

Be it therefore Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, *An* Act *for ſettling a Miniſtry and raiſing a Maintenance for them in the City of* New-York, *County of* Richmond, Weſtcheſter *and* Queen's *County*, paſſed the 22d Day of *September*, in the Year of our Lord 1693; and alſo an Act, entitled, *An* Act *for the better explaining and more effectual putting in Execution an Act of General Aſſembly, entitled, An* Act *for ſettling a Miniſtry and raiſing a Maintenance for them in the City of* New-York, *County of* Richmond, Weſtcheſter *and* Queen's *County*, paſſed the 4th Day of *Auguſt*, 1705; and alſo the Act, entitled, *An* Act *for the more equal and impartial aſſeſſing the Miniſter and Poor-Tax, to be raiſed within the City and County of* New-York, Queen's *County*, Weſtcheſter *County, and County of* Richmond, paſſed the 27th Day of *July*, 1721; and alſo the Act, entitled, *An* Act *to oblige all Perſons that ſhall come to inhabit or reſide in the City of* New-York, *in order to expoſe any Goods, Wares or Merchandizes to Sale, at any Time after the annual Aſſeſſment made for the Tax, for the Maintenance of the Miniſter and Poor of the ſaid City, to pay their due Proportion towards the ſame*, paſſed 27th *November*, 1741; and alſo an Act to revive an Act, entitled, *An* Act *to oblige all Perſons that ſhall come to inhabit or reſide in the City of* New-York, *in order to expoſe any Goods, Wares or Merchandizes to Sale, at any Time after the annual Aſſeſſment made for the Tax, for the Maintenance of the Miniſter and Poor of the ſaid City, to pay their due Proportions towards the ſame*, paſſed the 14th of *May*, 1745; and alſo the Act, entitled, *An* Act *to enable the Inhabitants of the City of* New-York, *to chuſe annually two Veſtrymen for each reſpective Ward within the ſaid City*, paſſed the 29th *November*, 1745; and alſo the Act, entitled, *An* Act *for the further explaining and rendering more effectual the two Acts therein mentioned, ſo far as they relate to the City of* New-York, paſſed the 19th *February*, 1756; and alſo an Act, entitled, *An* Act *to revive an Act, entitled, An* Act *to oblige all Perſons that ſhall come to inhabit or reſide in the City of* New-York, *in order to expoſe any Goods, Wares or Merchandizes to Sale, at any Time after the annual Aſſeſſment made for the Tax, for Maintenance of the Miniſter, and Poor of the ſaid City, to pay their due Proportions towards the ſame*, paſſed the 11th *September*, 1755; and alſo an Act, entitled, *An* Act *to amend an Act, entitled, An* Act *for ſettling a Miniſtry and raiſing a Maintenance for them in the City of* New-York, *County of* Richmond, Weſtcheſter *and* Queen's *County;* and an Act, entitled, *An* Act *to enable the Inhabitants of the City of* New-York, *to chuſe annually two Veſtrymen for each reſpective Ward within the ſaid City, ſo far as the ſame relates to the Election of the Church-Wardens and Veſtrymen of the City of* New-York, paſſed the 27th Day of *January*, 1770; and an Act, entitled, *An* Act *for altering the Time of aſſeſſing and collecting the Taxes, for the Support of the Miniſter and the Poor in the City of* New-York, paſſed the 31ſt Day of *January*, 1775; and an Act, entitled, *An* Act *againſt Jeſuits and Popiſh Prieſts*, paſſed the 31ſt Day of *July*, 1700; and all and every of them ſhall be, and hereby are repealed.

CHAP.

CHAP. XXXIX.

A.D. 1784.
Inde. U. S. VIII.

An ACT *to raise the Sum of* One Hundred Pounds *on the Lands therein mentioned, for clearing and opening the Creek, commonly called* Black-Meadow Creek, *in the Precinct of* Goshen, *in* Orange *County.*

Private.
Will expire 1st January, 1795.

Passed 23d April, 1784.

CHAP. XL.

An ACT *to ascertain the Quality of Pot and Pearl Ashes.*

Passed 23d April, 1784.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That no Person or Persons whatsoever, shall ship any Pot or Pearl Ashes for Exportation, before he shall first submit the same to the View and Examination of an Inspector to be appointed for that Purpose, who shall start the same out of the Casks, and carefully examine, try and inspect the same, and sort the same in three different Sorts, if necessary; that the said Inspector shall put each Sort by itself into tight Casks, well hooped and coopered, which he shall distinguish by the Words, *First Sort*, *Second Sort*, or *Third Sort*, with the Words, *Pot*, or *Pearl Ashes*, branded in plain legible Letters, together with the Letters of his Name, and the Place where such Pot or Pearl Ashes are so inspected, at full Length, on each of the Casks; for which Services, and also for the additional Service of repacking the said Pot or Pearl Ashes, and putting the Casks in such Condition as they were in when brought to him for Inspection, and for weighing the same, and delivering to the Proprietors an Invoice or Weigh Note, under his Hand, of the Weight of each Cask, the said Inspector shall have and receive *Six-Pence* for every Hundred Weight so inspected, one Half to be paid by the Purchaser, and the other Half by the Vendor. *Provided*, That if any such Cask or Casks shall, in the Judgment of the Inspector, be unfit for shipping, such further Cooperage, or such new Casks as may be necessary, shall be made or done at the Expence of the Vendor.

No Pot or Pearl Ashes to be shipped before Inspection.

Inspector's Duty.

Allowance to the Inspectors.

II. *And be it further Enacted by the Authority aforesaid*, That such Inspector, at the Time of starting the said Pot or Pearl Ashes for Inspection, shall weigh the Cask or Casks, and mark the Weight with a marking Iron on each Head thereof.

Weight of Cask to be marked thereon.

III. *Provided always, and be it further Enacted by the Authority aforesaid*, That if any Dispute shall arise between such Inspector and any Possessor of such Pot or Pearl Ashes, concerning the Quality thereof, upon Application to any Magistrate within the City or County where the same may happen, such Magistrate shall, and is hereby required to issue a Warrant to three indifferent judicious Persons of Skill and Integrity, to be Viewers to view and search the said Pot or Pearl Ashes, as the Case may be; one of the said Persons to be named by the Possessor of such Pot or Pearl Ashes, another of them to be named by the Inspector, and the third to be named by the Magistrate; which three Persons shall be duly sworn carefully to examine the said Pot or Pearl Ashes, as the Case may be, and make Report, as soon as conveniently may be, of the Quality thereof, as they find the same: And the said Magistrate is hereby empowered and required to give Judgment agreeable to the Report of the said three Viewers, or any two of them; and in Case the said Pot or Pearl Ashes are adjudged to be of the Quality or Qualities as distinguished by the Inspector, the said Magistrate is hereby authorised to direct the said Pot or Pearl Ashes, to be branded by the said Inspector agreeable to such Distinction, and shall also award and order the Owner or Possessor of the said Pot or Pearl Ashes, to pay to such Inspector *Six-pence* for each Hundred

Mode of settling Disputes about the Quality of Pot or Pearl Ashes.

A.D. 1784. Indc. *U. S.* VIII.

Weight for all ſuch Pot or Pearl Aſhes as ſhall be adjudged as aforeſaid, with reaſonable Coſts and Charges; but in Caſe the ſaid Pot or Pearl Aſhes upon Trial ſhall be found to differ in Quality from the ſaid Inſpector's Judgment thereon, the Coſts ſhall be paid by the Inſpector.

Inſpector may go on Board of any Veſſel to ſearch for Pot or Pearl Aſhes;

IV. *And be it further Enacted by the Authority aforeſaid*, That every ſuch Inſpector ſhall have full Power and Authority, by Virtue of this Act, and without further or other Warrant, to enter on Board of any Ship, Sloop or Veſſel whatſoever, lying or being in the Harbour where ſuch Inſpector is authoriſed to inſpect Pot or Pearl Aſhes, to ſearch for and make Diſcovery of any Pot or Pearl Aſhes ſhipped or ſhipping on Board any ſuch Veſſel for Exportation out of this State: And if ſuch Inſpector ſhall on Search diſcover any Caſk or Caſks of Pot or Pearl Aſhes not branded as before directed, the Perſon or Perſons ſo ſhipping, or having ſhipped the ſame, ſhall forfeit all and every ſuch Caſk or Caſks of Pot or Pearl Aſhes ſo ſhipped or ſhipping, and not branded in the Manner herein before directed; and the Maſter or Commander of any ſuch Veſſel who ſhall receive any ſuch Caſk or Caſks of Pot or Pearl Aſhes not branded as aforeſaid, ſhall forfeit the Sum of *Five Pounds;* and if any Maſter of any Ship or Veſſel, or any of his Servants or Seamen, ſhall obſtruct or hinder the ſaid Inſpector in making ſuch Search as aforeſaid, every Perſon ſo offending, ſhall, for ſuch Offence, forfeit the Sum of *Ten Pounds*.

And if he diſcovers any Caſk not branded, it ſhall be forfeited;

And the Maſter of ſuch Veſſel ſhall forfeit 5l.

Penalty for obſtructing Inſpector.

Inſpectors how to be appointed.

V. *And be it further Enacted by the Authority aforeſaid*, That the Governor, or Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, ſhall, and is hereby authoriſed and required to appoint one or more fit Perſon or Perſons to be Inſpector or Inſpectors of Pot and Pearl Aſhes, in each ſuch City or County of this State, as to the ſaid Governor and Council ſhall appear neceſſary; and if any ſuch Inſpector or Inſpectors ſo appointed, ſhall, by any Accident, be rendered incapable, or ſhall neglect to execute the ſaid Office, or miſbehave himſelf or themſelves therein, or ſhall die, then, and ſo often, and from Time to Time as ſuch Caſes may ariſe, it ſhall and may be lawful for the ſaid Governor, or Perſon adminiſtring the Government, by and with the Advice and Conſent of the ſaid Council of Appointment, to appoint other fit and capable Perſon or Perſons in his or their Stead, who ſhall thereupon be the Inſpector or Inſpectors for putting this Act in Execution, with all the Powers, and ſubject to all the Penalties deſcribed in this Act; and each of the Inſpectors ſo to be appointed by Virtue of this Act, ſhall, before he enters upon the Execution of his Office, take and ſubſcribe an Oath before a Magiſtrate of this State, in the Words following, *viz.*

Inſpector's Oath.

I *do ſolemnly ſwear, That I will faithfully, truly and impartially, to the Beſt of my Judgment, Skill and Underſtanding, execute, do and perform the Office and Duty of an Inſpector and Examiner of Pot and Pearl Aſhes, according to the true Intent and Meaning of a Law of this State, entitled,* An *Act* to aſcertain the Quality of Pot and Pearl Aſhes; *and that I will not, directly or indirectly, by myſelf, or by any other Perſon or Perſons for me, buy or ſell any Pot or Pearl Aſhes during the Time I continue Inſpector of the ſame, on my own Account, or upon the Account of any other Perſon or Perſons whomſoever.* SO HELP ME GOD.

Penalty on delinquent Inſpectors.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any Inſpector of Pot or Pearl Aſhes, not then employed in the Examination and Inſpection of Pot or Pearl Aſhes (according to the Duties required by this Act) ſhall, on Application made for the Examination of any Pot or Pearl Aſhes as aforeſaid, refuſe, neglect or delay to proceed to ſuch Examination and Inſpection, for the Space of three Hours after ſuch Application ſo made to him, the Inſpector ſo refuſing, neglecting or delaying to make ſuch Examination

mination and Inspection, shall, for each Offence, forfeit the Sum of *Twenty Shillings*, to the Use of the Person or Persons so delayed.

VII. *And be it Enacted by the Authority aforesaid*, That if any Person or Persons shall counterfeit any of the aforesaid Brand Marks, or impress or brand the same on any Cask or Casks of Pot or Pearl Ashes, knowing such Brand Mark or Impression to be counterfeit, he, she or they, being thereof legally convicted, shall forfeit and pay the Sum of *Fifty Pounds*.

Penalty on counterfeiting Brand Marks.

VIII. *And be it further Enacted by the Authority aforesaid*, That if any Person shall empty any Cask or Casks of Pot or Pearl Ashes branded as aforesaid, in order to put in other Pot or Pearl Ashes for Sale or Exportation, without first cutting out the said Brand Marks, the Person or Persons so offending, shall respectively forfeit the Sum of *Fifty Pounds*.

Penalty on emptying Cask branded, to put in other Pot or Pearl Ashes without cutting out the Brand Marks.

IX. *And be it further Enacted by the Authority aforesaid*, That all the Fines and Forfeitures mentioned in this Act, shall be recoverable in the same Manner as other Debts of the same Value are recoverable by the Laws of this State, by Suit, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law, or any more than one Imparlance shall be allowed; the one Moiety of all which Fines and Forfeitures (except such as are herein before otherwise applied) when recovered, shall (after deducting the necessary Costs) be immediately paid into the Hands of the Treasurer of this State, toward the Support of the Government thereof, and the other Half to the Officer or other Person who will sue for the same.

Fines and Forfeitures how recovered and applied.

X. *And be it further Enacted by the Authority aforesaid*, That all Pot or Pearl Ashes shipped for Exportation from any Port of this State, shall be inspected at the Place where the said Pot or Pearl Ashes may be so shipped for Exportation out of this State, having the Name of the Place where it shall be shipped, and the Letters of the Inspector's Name who has inspected and examined the same as before directed.

All Pot and Pearl Ashes to be inspected where shipped for Exportation.

CHAP. XLI.

An ACT *concerning the Circuit Courts.*

Passed 23d April, 1784.

Repealed 9th Sess. Ch. 41. Sec. 27.

CHAP. XLII.

An ACT *to restrain the feeding and burning the Grass, and cutting the Timber on certain Beaches and Islands therein mentioned.*

Passed 24th April, 1784.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That from and after the first Day of *May* next, no Horses, Neat Cattle, Sheep or Hogs, small or great, shall be suffered to go, run or feed on any of the Beaches or Islands lying between a certain Gut or Inlet, called *Mostick Gut*, to the Eastward, and another certain Gut or Inlet, called *Huntington West-Gut*, to the Westward; and in Case any Horses, Neat Cattle, Sheep or Hogs, small or great, shall, after the said first Day of *May* next, be found on any the said Beaches or Islands, it shall and may be lawful for any Person or Persons whatsoever, to take, seize and keep the said Horses, Neat Cattle, Sheep or Hogs, as and for their own absolute Property; any Law, Usage or Custom to the Contrary notwithstanding: *Always provided*, That this

Restriction as to Cattle going at large, or feeding on certain Places.

A. D. 1784. Indé. U. S. VIII.

this Act, nor any Thing therein contained, ſhall not be conſtrued to debar or prevent any Perſon or Perſons whatſoever, having Meadows on the ſaid Beaches or Iſlands, from carrying on, uſing and feeding ſo many Oxen and Horſes on the ſaid Beaches or Iſlands, as ſhall be neceſſary for carting and ſtacking their Hay during the proper Seaſon of getting and ſecuring thereof.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons whomſoever, ſhall ſet fire to, or burn the old Graſs, or cut any of the Timber on any of the ſaid Beaches or Iſlands, he, ſhe or they ſo offending, on due Proof thereof, ſhall forfeit and pay the Sum of *Five Pounds* to any Perſon or Perſons who will ſue for the ſame, to his, her or their own proper Uſe.

CHAP. XLIII.

Obſolete.

An ACT *to enable the Mayor, Recorder and Aldermen of the City and County of* New-York, *to raiſe Monies by Tax for the Purpoſes therein mentioned.*

Paſſed 26th April, 1784.

CHAP. XLIV.

Expired 5th May, 1786.

An ACT *to facilitate the Settlement of the Accounts of the United States within this State.*

Paſſed 27th April, 1784.

CHAP. XLV.

Repealed 10th Seſſ. Ch. 102. Sec. 14.

An ACT *for the Settlement of the Pay of the Levies and Militia for their Services in the late War, and for other Purpoſes therein mentioned.*

Paſſed 27th April, 1784.

CHAP. XLVI.

An ACT *for the Inſpection of Sole Leather in the City of* New-York.

Paſſed 28th April, 1784.

Corporation of *New-York* to appoint two Inſpectors of Sole Leather in the City of *New-York*.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, ſhall be, and hereby are authoriſed and directed to appoint, from Time to Time, and as often as Vacancies, by Deaths, Reſignation of Office, or otherwiſe, ſhall happen, two fit Perſons to inſpect and weigh all Sole Leather that ſhall be manufactured within the ſaid City of *New-York*, or imported or brought into the ſaid City from any Place whatſoever, after the paſſing of this Act; which ſaid Inſpectors ſhall reſpectively take and ſubſcribe the following Oath, before the Mayor or Recorder of the City of *New-York*, before they ſhall be deemed qualified for, or proceed to the Execution of the Duties enjoined upon them by Virtue of this Act, *viz.*

Inſpector's Oath.

I *do ſolemnly ſwear, That I will, well, faithfully and impartially, according to the Beſt of my Skill and Underſtanding, execute, do and perform the Office and Duty of an Inſpector and Examiner of Sole Leather, and will not, directly or indirectly, by myſelf, or by any Perſon or Perſons under me, or for my Benefit or Advantage, buy or ſell any Sole Leather during the Time that I ſhall continue an Inſpector of the ſame, (except for the Uſe of my own Family) according to the true Intent and Meaning of an Act, entitled,* An *Act* for the Inſpection of Sole Leather in the City of *New-York*. SO HELP ME GOD.

II. *And*

A. D. 1784. Inde. U. S. VIII.

II. *And be it further Enacted by the Authority aforesaid*, That from and after the passing of this Act, no Sole Leather whatsoever shall be sold, disposed of, or used for any Purpose or Purposes whatsoever, within the said City of *New-York*, until the same shall be inspected, sealed and weighed by one of the Inspectors to be for that Purpose appointed by Virtue of this Act, under the Penalty of *Forty Shillings* for every such Offence, to be sued for and recovered by Action of Debt, with Costs of Suit, in a summary Way, by any Person or Persons who will sue and prosecute for the same, before the Mayor, Recorder, or any Alderman of the City of *New-York*, to be levied by Process to be directed to the Sheriff or any one of the Constables of the said City, commanding him or them, or either of them, to levy the same by Distress and Sale of the Offender's Goods and Chattels; one Moiety whereof, when so recovered, to be paid to the Chamberlain of the City of *New-York*, to be applied at the Discretion of the Mayor, Aldermen and Commonalty of the said City, to the Use of the Poor thereof, and the other Moiety to the Use of such Person or Persons who prosecuted for the same.

Penalty on selling, or using Sole Leather not inspected.

How sued for, levied and applied.

III. *And be it further Enacted by the Authority aforesaid*, That there shall be paid to the Inspector for inspecting, sealing and weighing of every Side of Sole Leather, the Sum of *Four-pence*; one Half thereof to be paid by the Seller, and the other Half by the Purchaser.

Inspector's Fees, and how paid.

IV. *And be it further Enacted by the Authority aforesaid*, That each Inspector shall, and is hereby required to provide himself with proper Seals for the Purpose aforesaid, and to impress on every Side of Sole Leather which shall be deemed dry, good and merchantable, his own Name and the Words, *New-York*, at full length; and also the Weight thereof. And if any Person or Persons shall presume to counterfeit such Mark or Marks, to be made by any such Inspector, by making any Impression or Mark on any Sole Leather, he or they so offending, shall forfeit and pay for every such Offence, the Sum of *Ten Pounds*, to be sued for, recovered and applied in Manner aforesaid.

Each Inspector to provide Seals, and to mark the Leather by him inspected.

Penalty for counterfeiting such Marks.

V. *Provided nevertheless*, That all Sole Leather, which upon Inspection as aforesaid, shall be found not to be dry, good and merchantable, and which, as such, shall not be branded in Manner herein before directed, may be used for any other Purposes except being worked into Shoes, Boots or Buckets.

Leather not good, how to be used.

VI. *And provided further*, That all such Sole Leather which shall not on such Inspection as aforesaid, be deemed good and merchantable by the Inspector, shall be by him marked with the Word BAD, and may then be used for any other Purpose or Purposes, except being worked into Shoes, Boots or Buckets; and every such Inspector is hereby required and directed to keep proper Instruments for the Purpose of marking such unmerchantable Leather accordingly; and if any Person or Persons shall presume to work up into Shoes, Boots or Buckets, any Sole Leather before the same shall be inspected as aforesaid, or any Sole Leather which shall be marked with the Word BAD, as aforesaid, he or they so offending, shall forfeit and pay for every such Offence, the Sum of *Ten Pounds*, to be sued for, recovered and applied in Manner before directed.

And to be marked, *Bad*.

Inspector to keep proper Instruments.

Penalty on making Shoes, Boots or Buckets of Leather marked, BAD.

CHAP. XLVII.

Obsolete.

An ACT *to raise* Five Hundred Pounds, *for repairing and finishing the Court-House and Gaol in* Haverstraw *Precinct, in* Orange *County, and for other Purposes therein mentioned.*

Passed 28th April, 1784.

A. D. 1784. Inde. U. S. VIII.

‡ 6 Sess. Ch. 41. Expired 1st February, 1785.

CHAP. XLVIII.

An ACT *to continue and revive an Act, entitled,* ‡ *An Act for staying Execution in Suits against public Officers on Contracts, and Acts by them made and done in Behalf of the United States, and of this State.*

Passed 29th April, 1784.

CHAP. XLIX.

Private.

An ACT *to exempt* Richard Morris, *his Heirs, Executors, Administrators and Assigns, from paying any Part or Share of the Produce of a Mine, in the County of* Westchester, *to the People of this State, as Sovereign thereof, until the first Day of* May, *in the Year of our Lord* 1795.

Passed 29th April, 1784.

CHAP. L.

Private. Will expire 1st May, 1795.

An ACT *to exempt* Henry Oothoudt, *his Heirs, Executors, Administrators and Assigns, from paying or being accountable to the People of this State, as Sovereign thereof, for any Part of the Issues or Profits of the Mine therein described, for a limited Period.*

Passed 29th April, 1784.

CHAP. LI.

Amended 8th Sess. Ch. 15. Repealed 10th Sess. Ch. 82. Sec. 22.

An ACT *for granting certain Privileges to the College heretofore called* King's *College, for altering the Name and Charter thereof, and erecting an University within this State.*

Passed 1st May, 1784.

CHAP. LII.

Amended 8th Sess. Ch. 38. and 10th Sess. Ch. 95. Extended to Richmond 8th Sess. Ch. 78.

An ACT *for the better laying out, regulating and keeping in Repair all common and public Highways and private Roads, in the Counties of* Ulster, Orange, Dutchess, Washington, Westchester, Albany *and* Montgomery.

Passed 4th May, 1784.

Preamble.

WHEREAS the keeping in good Repair public Roads and Highways, contributes greatly to the Ease and Advantage of the Inhabitants of a Country;

Freeholders and Inhabitants of each Town, at their annual Town Meetings, to choose Commissioners and Overseers of Highways.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That from and after the passing of this Act, the Freeholders and Inhabitants of the Towns within the Counties of *Ulster, Orange, Dutchess, Washington, Westchester, Albany* and *Montgomery*, shall be, and hereby are authorised at their annual Town Meetings for electing Town Officers, to choose and elect not less than three nor more than five Freeholders, as shall be determined by Plurality of Voices of the Inhabitants at each annual Town Meeting, in each respective Town, to be † Commissioners to lay out and regulate the Highways in the Town for which they shall be so respectively chosen; and also as many Overseers of the Highways in each Town as there shall be Road Districts in the said Town, who are to oversee, repair and keep in Order the several Highways within the several Districts for which they shall be elected and chosen Overseers as aforesaid; and the Persons so to be chosen Commissioners or Overseers, are hereby required to execute the said Offices respectively.

† *To be appointed by Sessions in* Albany, Montgomery *and* Columbia, 10*th Sess. Ch.* 95. *Sec.* 1. *See* 11*th Sess. Ch.* 64. *Sec.* 7.

II. *And*

A. D. 1784. Inde. 8. VIII.

II. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners, or the major Part of them, in the reſpective Towns for which they ſhall be choſen Commiſſioners, are hereby empowered and authoriſed to regulate the Roads already laid out, and if any of them ſhall appear inconvenient, and an Alteration neceſſary, and the ſame be certified upon Oath, by twelve reputable Freeholders of ſuch of the ſaid Counties wherein the Alteration may be required, to alter the ſame in ſuch Manner as a Majority of Commiſſioners in ſuch Town ſhall judge meet and convenient; and alſo to lay out ſuch other public Highways and Roads, as they or the major Part of them ſhall judge neceſſary, as well for the Convenience of Travellers as for the Inhabitants of ſuch Town. *Provided nevertheleſs*, That where any Roads ſhall be laid out through incloſed or improved Lands, the Owner or Owners ſhall be paid the Value of the Land ſo to be laid out into an Highway or Road, with ſuch Damages as he, ſhe or they may ſuſtain by Reaſon thereof, in Manner following, *viz.* The Value of the ſaid Lands, and the Amount of the Damages the Owner or Owners thereof may ſuſtain as aforeſaid, ſhall be determined, and the Value ſet and appraiſed by two Juſtices of the Peace, and by the Oaths of twelve reputable Freeholders not having an Intereſt in the ſaid Land ſo to be laid out into an Highway or Road; and the ſaid Freeholders ſhall be ſummoned by any Conſtable of the Town in which ſuch Road or Highway ſhall be laid out as aforeſaid, by Virtue of a Warrant to be iſſued by the ſaid two Juſtices of the Peace for that Purpoſe. And if any Road within any Town ſo laid out to be a common public Highway, and the ſame be laid out at the Requeſt of twelve reputable Freeholders of ſuch County, then the whole Value of the ſaid Lands and Damages, together with the Charges of the Commiſſioners and of ſummoning the Jury, and the whole Proceedings thereon had, ſhall be paid as the other contingent Charges of ſaid Counties are paid; but if the Road ſo to be laid out ſhall be a private Road, and for the particular Convenience of one or more Towns or Neighbourhoods, then ſuch Towns or Neighbourhoods requiring the ſame, ſhall pay and defray the Whole of ſuch Value, Damages and Charges; and when any ſuch Highway or Road ſhall be ſo laid out and appraiſed, it ſhall be lawful for any Juſtice of the Peace of the County, or any one of the Commiſſioners of the Town in which ſuch Road is laid out, to order the Overſeers of the Road Diſtrict next unto ſuch Road, to open and work on the ſame: *Provided always*, That no Road or Highway ſhall be laid through any † Orchard or Garden without the Conſent of the Owner or Owners thereof, any Thing herein contained notwithſtanding.

Commiſſioners to regulate, and may alter Roads already laid out,

And lay out others if neceſſary.

When Roads are laid out through improved Lands, Owners to be paid Damages,

How to be appraiſed.

If the Road be a public one, how Damages and Charges to be paid.

And how paid if a private Road.

Such Roads when laid out, to be opened and worked by Overſeers.

No Road to be laid through Orchards or Gardens, without Conſent of Owners.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons within any of the ſaid Towns do, or hereafter ſhall alter or obſtruct any Highway or Road, ſuch Perſon ſo offending ſhall, for every ſuch Offence, forfeit the Sum of *Two Pounds*, to be recovered before any Juſtice of the Peace of the County where the Offence ſhall happen, upon the Oath of any one or more credible Witneſs or Witneſſes, and levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant from ſuch Juſtice, to be directed to any Conſtable of the Town where ſuch Offender ſhall reſide; and the ſaid Conſtable is hereby required to pay ſuch Penalty into the Hands of the Commiſſioners of the Highways for the Town wherein the Offence was committed, to be by the Commiſſioners thereof applied for and towards repairing the public Roads and Bridges within the Town where ſuch Forfeiture ſhall ariſe.

Any Perſon obſtructing a Road, forfeits 2l.

How recovered and applied.

IV. *And be it further Enacted by the Authority aforeſaid*, That all public Roads to be altered or laid out by the Commiſſioners, ſhall be of the ‡ Breadth of not more than four Rods, nor leſs than two Rods.

Breadth of Roads to be laid out by the Commiſſioners.

V. AND

† Altered 10th Seſſ. Ch. 95. Sec. 3.
‡ New Roads to be *four* Rods wide at leaſt. 10th Seſſ. Ch. 95. Sec. 4.

A. D. 1784. Inde. U. S. VIII.

Overſeers of Road Diſtricts to deliver Liſts of Perſons liable to work on Roads to the Town-Clerk.

V. And in order that the Burthen of keeping the Highways in the ſaid Counties in Repair, and making other Highways for the Eaſe, Benefit and Convenience of the Inhabitants thereof, may be borne as equally as the Nature of the Caſe will admit of; *Be it further Enacted by the Authority aforeſaid*, That the Commiſſioners for each Town ſhall be, and are hereby required to meet within ten Days after they ſhall be ſo choſen, at the Place of Town-Meeting, on ſuch Day as they ſhall agree upon, and as often thereafter as Need ſhall be, and at ſuch Time and Place as they ſhall think meet; that the Overſeers of the Road Diſtricts reſpectively, ſhall deliver a Liſt ſubſcribed by ſuch Overſeer to the Clerk of the Town, in which ſuch Overſeers ſhall reſpectively be elected, within eight Days next after the Day of Election, which Liſt ſhall contain the Names of all the Inhabitants in ſuch Road Diſtrict, who are in and by this Act made liable to work on the Highways; that the ſaid Clerk ſhall deliver ſuch Liſts to the Commiſſioners of the Town, who, or a Majority of ſuch Commiſſioners ſhall, at their next Meeting, or as ſoon as may be thereafter, affix to the Names of each reſpective Perſon mentioned in ſuch Liſts reſpectively, the Number of Days which ſuch Perſons ſhall reſpectively be liable to work in the then enſuing Year, to be determined by the Commiſſioners in Proportion to the Eſtate and Ability of each reſpective Perſon; and the Commiſſioners ſhall thereupon, after cauſing the Clerk of the Town to make a Copy of ſuch Liſt, and after the ſaid Commiſſioners or a Majority of them ſhall have ſubſcribed the Copies of ſuch Liſts, cauſe the ſame reſpectively to be delivered to the Overſeers of the Town, having returned the ſame in the Manner herein before mentioned, or his Succeſſor in Office: *Provided always*, That if the Name of any Perſon ſhould be left out of ſuch Liſts, or the Road increaſe by the Acceſſion of new Inhabitants, ſuch Perſons whoſe Names are omitted or ſhall remain in the Town, ſhall, from Time to Time, be added to the ſaid Liſt, and the Perſons be rated by the ſaid Commiſſioners to work on the Highways: *Provided alſo*, That it ſhall not be in the Power of the Commiſſioners to rate any one Perſon rateable by this Act, at more than † *Twenty* Days annually.

Clerk to deliver ſuch Liſt to Commiſſioners, who are to affix to the Name of each Perſon the Number of Days he is to work, and deliver the Liſt to the Overſeer of the Road Diſtrict.

Any Perſon's Name not on the Liſt, to be added to it by the Commiſſioners.

No Perſon to be rated more than 20 Days.

Who are ſubject to work on the Roads,

VI. And in order the more clearly to aſcertain what Perſons ſhall be compellable to work on the Highways in each Diſtrict; *Be it Enacted by the Authority aforeſaid*, That every Freeholder, Houſe-keeper, and other Perſon exerciſing any Trade, Buſineſs or Labour for themſelves, and on their own Account, or receiving Wages for ſuch Labour within the ſaid Counties, ſhall be liable to work on the public Roads and Highways.

And when ordered to work, to attend punctually with proper Tools.

VII. *And be it further Enacted by the Authority aforeſaid*, That all the Inhabitants of the reſpective Towns who ſhall be rated to work on the Highways, ſhall, as often as they or any of them ſhall receive Notice from the Overſeers of the Highways for the Time being, to work on the Highways, punctually attend the ſaid Service, either by themſelves or by an able ſufficient Man in their Stead reſpectively, with proper Tools, and faithfully work all the Number of Days at which they are rated, if required, at ſuch Place or Places as the Overſeer ſhall direct. And in Caſe any Perſon or Perſons duly warned ſhall refuſe or neglect to appear, or being come to work on the Highways, ſhall remain idle, or not work faithfully, or hinder or deter any other from doing his Duty, ſuch Offender ſhall, for each and every ſuch Offence, forfeit the Sum of *Twenty Shillings*, to be adjudged by the Overſeer of the Highways in the Diſtrict where the Offence ſhall happen, and to be levied by Diſtreſs and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of ſuch Overſeer, and to be directed to any Conſtable within the Town where the Offender ſhall reſide; and the ſaid

On Neglect, when warned, forfeit 20s.

To be paid to the Overſeers, to repair Roads.

Forfeitures

† Altered as to *Albany*, *Montgomery* and *Waſhington*, 10th Seſſ. Ch. 95. Sec. 5.

Forfeitures to be paid to the ſaid Overſeer; and to be by him well and faithfully laid out within his Diſtrict, for and towards repairing the public Roads and Bridges within the ſame.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if the Overſeers of the Highways and Roads ſhall think fit, and have Occaſion for any Team, Cart, Waggon or Plough, and a Man to manage the ſame, the ſaid Team, Cart, Waggon or Plough, and Man to manage the ſame, ſhall be eſteemed to be for, in Lieu, and inſtead of three Days Work of one Man, and the Fine to be proportionable; *that is to ſay*, Treble to the Fine to be impoſed for the Neglect of one Perſon; and every working Man ſhall be obliged to bring one Spade, Hoe, Axe, Crowbar, Pickaxe, or other working Tool, as ſhall be directed by the Overſeers of the Highway in the reſpective Road Diſtricts.

For a Team and Man, three Day's Work to be allowed, and the Fine to be proportionable.

Every Man to bring working Tools as directed.

IX. *And be it further Enacted by the Authority aforeſaid*, That all Trees ſtanding or lying on, or in any Land through which any common public Highway or Road is or ſhall be laid out, ſhall be for the proper Uſe of the Owner or Owners of ſuch Land, ſo as the Overſeer or Overſeers of the Highways ſhall be authoriſed to take and uſe ſo much Timber ſtanding or lying on ſuch Road, as may be neceſſary to repair the Highway or Bridges leading through ſuch Land.

Trees and Timber on Roads, belong to Owners of the Land; but Overſeers may uſe it for repairing Roads or Bridges.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Tree ſhall fall out of any incloſed Land, into, or acroſs any of the public Highways, that the Owner of ſuch Incloſure ſhall, within twelve Hours after the ſame be ſo fallen, remove the ſame, or be liable to a Fine of *Twenty Shillings* for every Day ſuch Owner ſhall neglect to remove the ſame, after Notice given by any Perſon or Perſons whatſoever; to be recovered and applied in the Manner as other Fines and Forfeitures are before directed to be recovered and applied by this Act.

Tree falling out of incloſed Land into a Road, to be removed by the Owner.
Penalty for Neglect.

XI. *And be it further Enacted by the Authority aforeſaid*, That in Caſe it ſhould not be neceſſary in any one or more of the ſaid Road Diſtricts, to have all the Days wrought by the Inhabitants that this Act requires, that then the Commiſſioners ſhall direct the Overſeers to let the ſeveral Perſons work in their juſt Proportion to the Days ſuch Perſons are reſpectively rated at, and no more; or to pay an Equivalent at the Rate of *Four Shillings* per Day.

How Work to be proportioned, if not all neceſſary.

XII. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of the reſpective Towns, or the major Part of them, ſhall, from Time to Time, during the Continuance of this Act, enter in Writing all the Highways ſo by them laid out or altered; and the Highways ſo laid out and altered, they ſhall cauſe to be entered of Record with the Clerks of the reſpective Towns.

Highways laid out or altered, to be entered and recorded.

XIII. *And be it further Enacted by the Authority aforeſaid*, That upon Application to the Commiſſioners of any Town for a private Road, the Commiſſioners for the ſaid Town where ſuch private Road is deſired to be laid out, ſhall view the ſame, and if they are of Opinion that ſuch Road is abſolutely neceſſary, and twelve reputable Freeholders under Oath ſhall be of the ſame Opinion, the ſaid Commiſſioners are hereby empowered to lay out ſuch Road, obſerving the ſame Steps in aſcertaining what ſhall be paid for the ſaid Land, as before directed to be taken in laying out public Roads; and the Value of the Land over which ſuch Road ſhall be laid, and all the Expences and Charges attending the laying out and valuing the ſame, ſhall be paid by the Perſon or Perſons applying for the ſame; and the ſaid Road when laid out, ſhall be

How Commiſſioners may proceed to make private Roads,

And for what Uſe to be kept.

A. D. 1784. Inde. U. S. VIII.

for the only Uſe of the Perſon or Perſons who ſhall pay for the ſame, his and their Heirs and Aſſigns, but not to be converted to any other Uſe or Purpoſe than that of a Road. *Provided always*, That the Owner or Owners of the Land through which ſuch private Road may be laid, ſhall not be prevented from making Uſe of ſuch Road, if he ſhall ſignify his Intention of making Uſe of the ſame, at the Time when the Jury are to aſcertain the Value of the Land, and the Damages by Means of laying out ſuch Road.

Owner of Land may uſe ſuch Road, if he ſignifies the ſame when the Value is to be aſcertained.

XIV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Perſon or Perſons, to hang good eaſy ſwinging Gates in the ſaid Counties on ſuch Highway, Roads and private Ways, as the Commiſſioners, or the major Part of them, ſhall deem proper; ſuch Perſon or Perſons keeping the ſame in good and ſufficient Repair at their own Coſts and Charges.

Where ſwinging Gates may be made.

XV. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Perſon or Perſons ſhall ſtake or ſhore open any Gate or Gates that ſhall be allowed in the ſaid Counties by the Commiſſioners, or wilfully and unneceſſarily ride over or thro' any Lands, Meadow Grounds, or Cornfields, to the Damage of the Owners thereof, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of *Ten Shillings*, to be adjudged by any of the Commiſſioners for the Town where ſuch Offence ſhall be committed, and be levied by and applied in like Manner as the Forfeitures mentioned in the third Clauſe in this Act: *Provided*, That ſuch Penalty ſhall not be deemed a Satisfaction for ſuch Damage, but the Owner or Owners of ſuch Meadow Grounds or Cornfields, ſhall be entitled to a Right of Action for the Recovery of Damages, the Payment of ſuch Penalty notwithſtanding.

Perſons ſtaking open ſuch Gates, forfeit 10s. for each Offence.

How to be adjudged and applied.

Penalty not conſidered as a Satisfaction for Damages.

XVI. *And be it further Enacted by the Authority aforeſaid*, That every Perſon compellable to work on the Highways in either of the ſaid Counties, ſhall actually work for each Day he is obliged to work, ſix Hours, and ſhall be liable to pay a Fine of *One Shilling* for every Hour ſuch Perſon ſhall be in Default, to be recovered and applied in like Manner as the Forfeitures mentioned in the eighth Clauſe of this Act.

Six Hours to be a Day's Work, and 1s. Fine for every Hour's Neglect.

XVII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for any Perſon compellable to work on the public Roads or Highways as aforeſaid, to commute for and pay Money at the Rate of *Four Shillings* per Day, inſtead of working; which Money ſhall be paid to the Overſeer of the Highway of the Diſtrict in which the Perſon or Perſons paying the ſame do reſide, to be by the ſaid Overſeer applied and expended in the Improvements of the ſaid Roads and Highways in ſuch Road Diſtrict, and towards purchaſing Materials and other Neceſſaries for, and in erecting and building the moſt public and uſeful Bridges in the ſame Diſtrict.

Perſons compellable to work, may commute and pay 4s. per Day,

To be applied by the Overſeer in the Improvement of the Road.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners for the Time being of the reſpective Towns, or the major Part of them, ſhall, if needful, at leaſt ten Days before their next annual Town Meeting, and ſo annually, if they ſhall judge the ſame neceſſary, by Writing under their Hands, to be lodged with the Town Clerk, and by him to be entered in the Town Book, divide their reſpective Towns into as many Road Diſtricts as they ſhall judge moſt convenient, and for each of which Diſtricts there ſhall annually be elected and choſen, by the Freeholders and Inhabitants of ſuch Towns in the ſaid Counties reſpectively, an Overſeer of the Highways.

How Towns may be divided into Road Diſtricts.

An Overſeer to be choſen for each Diſtrict.

XIX. *And be it further Enacted by the Authority aforeſaid*, That every Overſeer of the Highways who ſhall neglect or refuſe to do and perform any of

of the Duties and Services required of him by this Act, shall forfeit and pay the Sum of *Five Pounds* for every such Neglect or Refusal, to be adjudged, and levied, and applied in like Manner as the Forfeiture mentioned in the third Clause of this Act: And if any Vacancy of Overseers shall happen by Death or otherwise, in any such Case the Commissioners of such Towns respectively, or the major Part of them, shall, and hereby are empowered to appoint some other fit Person in such District as Overseer or Overseers; and the Overseer or Overseers so appointed, shall have the same Powers, and be subject to the same Fines, Forfeitures and Penalties, as Overseers chosen by Virtue of this Act have, or are liable and subject to, until the next annual Day of Election.

Overseer to forfeit 5l. for Neglect of Duty. How applied.

In Case of Vacancy of Overseers, Commissioners to appoint others.

XX. *And be it further Enacted by the Authority aforesaid*, That any of the Justices of the Peace for either of the said Counties, or any of the Commissioners for the Time being, may, at any Time or Times, order any Overseer to work upon and repair any Road or Highway that such Justice or Commissioner shall think necessary, within the District of such Overseers; and such Overseer shall, within five Days thereafter, warn and set to work the Persons of his District who are obliged to work on Highways upon that Part of the Road and Highway, which he shall be so ordered to work upon and repair; and upon any Neglect or Refusal of such Overseer or Overseers, to warn and set to work the Persons in and by this Act required, such Overseer or Overseers respectively, shall, for every such Offence, forfeit the Sum of *Two Pounds*, to be recovered and applied in like Manner as is directed by the third Clause of this Act.

Commissioners or Justices may order Overseers to work on Roads.

Penalty for Neglect.

XXI. *And be it further Enacted by the Authority aforesaid*, That the Overseer of each District shall keep a just and true Account in Writing, wherein he shall distinctly set down or mention all such Persons as have commuted for, and paid in Lieu of working as aforesaid, and such as have been fined, and the Sums in which they were so respectively fined, and also those who shall have actually worked on the public Roads or Highways, with the Number of Days they have so worked; which said Account, together with the said List, the said Overseer shall, on or before the Determination of his Office, deliver to one of the Commissioners of the Town to which he doth belong; which Account so delivered, the said Commissioner shall file with the Town Clerk, and the said Overseer shall pay the Balance mentioned in the said Account, (if any) to his Successor in Office, to be expended in the Course of the next Year; and if any of the said Overseers shall refuse to pay such Balance, the succeeding Overseer shall and may sue for the same, in like Manner as he might have done if such Balance had been due to him in his own Right.

Overseers to keep an Account of Monies received, and work done.

To whom the same to be delivered.

Balance to be paid to Successors.

XXII. And *whereas* the Monies that may arise by Fines, and from Persons commuting for and paying Money in Time of working, may not be sufficient for purchasing Materials and other Necessaries for erecting and building Bridges, and in making such other Improvements on the public Roads as are absolutely necessary, and cannot be accomplished in the ordinary Way of working thereon; *Be it further Enacted by the Authority aforesaid*, That if the major Part of the Commissioners of any Town in either of the said Counties shall judge it necessary to raise a further annual Sum for the Purpose aforesaid, they shall in that Case meet together annually, and agree upon the Sum necessary to be raised for that Year, and shall deliver a Certificate of such Sum so agreed upon, in Writing, subscribed with their Names, to the Supervisor of such Town; which Supervisor shall lay the same before the Supervisors of the County at their next annual Meeting for raising the contingent Charges of the said County, who shall, and they are hereby required to order the raising and collecting of that Sum of and from the Freeholders

The Commissioners may agree upon a Sum to be raised for making Improvements on Roads.

How such Sum is to be raised and applied.

A. D. 1784. Indc. *U. S.* VIII.

holders and Inhabitants of ſuch Town, in the ſame Manner and after the ſame Rate that the contingent Charges of the County are raiſed; which Sum, as ſoon as the Collector ſhall have collected the ſame, ſuch Collector ſhall and is hereby required to pay into the Hands of the Clerk of the Town in which it was levied, to be paid to the Overſeer or Overſeers of the public Roads or Highways for the ſaid Town, on an Order or Orders under the Hands of the major Part of the Commiſſioners being produced and delivered to him for that Purpoſe: *Provided always*, That the annual Sum ſo agreed upon to be raiſed, ſhall not exceed the Sum of *One Hundred Pounds* for any Town; which Sum or Sums ſhall be laid out and expended in the ſaid Town in the ſame Manner and for the like Purpoſes that Fines are directed to be applied by Virtue of this Act: *And provided alſo*, That nothing in this Clauſe contained ſhall be conſtrued to extend to the Precincts of *Goſhen* and *Cornwall*, in *Orange* County.

Such Sum not to exceed 100l. in any Town.

This Clauſe not to extend to *Goſhen* and *Cornwall*.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners for the Highways to be choſen by Virtue of this Act, ſhall, before they execute any of the Powers herein mentioned, take an Oath, or if the People called Quakers, an Affirmation before any Juſtice of the Peace for the County in which they ſhall be choſen Commiſſioners, in the Words following, *viz.*

Commiſſioners to take an Oath.

[*For the Form of the Oath, ſee 8th Seſſ. Ch.* 38. *Sec.* 6. *and* 11*th Seſſ. Ch.* 64. *Sec.* 11.]

XXIV. *And be it further Enacted by the Authority aforeſaid*, That the Bridges and Cauſeways herein after mentioned, in the Precincts of *Goſhen* and *Cornwall*, in the County of *Orange*, ſhall be made and kept in Repair by a public Tax on the Freeholders and Inhabitants in the ſaid two Precincts, and are as followeth, *viz.* One Bridge and Cauſeway near the Houſe of *Zachariah Dubois*, deceaſed; one other Bridge and Cauſeway near *Richard Goldſmith*'s; one other Bridge and Cauſeway near *Johannes Decker*'s; one other Bridge and Cauſeway near *Benjamin Tuſten*'s; one other Bridge and Cauſeway acroſs *Pochuck Creek*, where the old Bridge now ſtands; one other Bridge and Cauſeway near *Warwick* Meeting-Houſe; one other Bridge and Cauſeway near *Grey Court*; one other Bridge and Cauſeway near *Curtis Coleman*'s; one other Bridge or Cauſeway acroſs the *Murderer's Creek*, near *Cornwall*; one other Bridge and Cauſeway acroſs *Schonnemunck-Creek*, near *Ketchum*'s Mill; one other Bridge and Cauſeway over the ſaid Creek, called *Coal-Houſe Bridge*; one other Bridge and Cauſeway near the Widow *Tuthil*'s; one other Bridge and Cauſeway near *Thorn*'s Mill; one other Bridge and Cauſeway near the Houſe of the late *Daniel Denton*, deceaſed; one other Bridge and Cauſeway near the Houſe of *Jeremiah Curtis*; one other Bridge and Cauſeway near the Houſe late of *John Mc. Clean*, deceaſed; one other Bridge and Cauſeway acroſs the *Walkill*, at the Outlet of the drowned Lands; one other Bridge and Cauſeway acroſs *Warwick-Creek*, near where *Iſrael Wood*'s Mill formerly ſtood; one other Bridge and Cauſeway near the Griſt-Mill of *John Wheeler*, Eſquire; one other Bridge over the *Murderer's Creek*, known by the Name of *Vandeuſen's Bridge*; and one other Bridge and Cauſeway acroſs the *Trout-Brook*: And the Commiſſioners of the Highways for the Time being, for the ſaid Precincts of *Goſhen* and *Cornwall*, are hereby directed and required to cauſe the afore-mentioned Bridges and Cauſeways to be well and ſufficiently made and kept in Repair; and an Account of the Expences attending the ſame, ſhall be tranſmitted to the Superviſors of the County of *Orange*, at their annual Meetings, who are hereby required and directed to divide the whole Amount of ſuch Expences between the ſaid Precincts of *Goſhen* and *Cornwall*, in the ſame Proportion as the other contingent Charges of the ſaid County of *Orange* are uſually divided between the ſaid two Precincts, and cauſe the ſame to be levied

Bridges and Cauſeways in *Goſhen* and *Cornwall*, how to be repaired.

This Section extended to Bridges over Roeloff Janſen's *Kill*, 12*th Seſſ. Ch.* 31. *Sec.* 1.

Commiſſioners Duty thereon.

To divide Expences between *Goſhen* and *Cornwall*.

How to be levied and paid.

levied and collected from the Freeholders and Inhabitants of the ſaid two Precincts, and paid to the County Treaſurer, in like Manner as the other contingent Charges of the ſaid County are raiſed and paid: And the ſaid Treaſurer is hereby directed and required, from Time to Time, to pay the ſaid Monies to the ſaid Commiſſioners, on a Warrant or Warrants from the ſaid Superviſors, as is uſual in other Caſes; any Thing herein contained to the Contrary notwithſtanding.

A.D. 1784. Inde. *U. S.* VIII.

XXV. AND *whereas* there are many Creeks or Rivers which run through ſeveral Towns in the County of *Ulſter*, which the common public Highways are laid through or acroſs; *Be it further Enacted by the Authority aforeſaid*, That the Freeholders and Inhabitants of ſuch Towns, where any ſuch Creek or River runs through, which might be forded, ſhall be obliged to fill up and level the Ford or Fords, and ſhall keep the ſaid Ford or Fords in Repair, as well as any other Part of the Highways in any of the Towns aforeſaid.

Inhabitants of *Ulſter* County to fill up and level Fords.

XXVI. *And be it further Enacted by the Authority aforeſaid*, That if it ſhall happen that the improved Farm of any Inhabitant of the ſaid Counties ſhall be divided and lie in different Towns, then, and in ſuch Caſe, every ſuch Inhabitant ſhall be ſubject to work upon the Highways in that Town only in which his Dwelling Houſe is erected.

When a Farm is in different Towns, Inhabitant to work where his Houſe is.

XXVII. *And be it further Enacted by the Authority aforeſaid*, That in the ſaid Counties of *Albany* and *Montgomery*, where any Carriages or Sleighs meet each other on any of the ſaid Roads or Highways, the Perſons in Carriages or Sleighs going from the City of *Albany*, ſhall give way to thoſe going towards the ſaid City; and all Perſons travelling Eaſtward in any of the ſaid Roads or Highways, on the Eaſt Side of *Hudſon*'s River, ſhall give way to thoſe travelling Weſtward, and *Vice Verſa*, on the Weſt Side of the ſaid River, under the Penalty of *Twenty Shillings* for each Offence, to be recovered and applied as directed in the third Clauſe of this Act.

When Carriages and Sleighs meet, *which* are to give way to the other.

XXVIII. *And be it further Enacted by the Authority aforeſaid*, That every public Road or Highway, leading from any Town in which there is a conſiderable Settlement, to any Place of Embarkation in either of the ſaid Counties, or where a new Road ſhall be required to be laid out, that then, and in every ſuch Caſe, ſuch public Road or Highway ſhall be continued from Town to Town, and through the ſame as ſtraight and direct as the Nature of the Ground will admit; and that ſuch public Road or Highway may be eſtabliſhed, or being eſtabliſhed, may be altered, ſo as to be more generally convenient and uſeful to the Inhabitants of the reſpective Towns through which the ſame may run, it ſhall and may be lawful to and for the Commiſſioners of the Town which require the ſaid Road to be laid out or altered, by Writing under their Hands, to appoint and ſummon a general Meeting of all the Commiſſioners of the reſpective Towns through which the Road propoſed, ſhall extend, at any Time not leſs than ten Days, or more than twenty Days after the Service of Notice on the ſaid Commiſſioners, and at ſuch convenient Place in that Town which ſhall be moſt central to the uſual Reſidence of the major Part of ſuch Commiſſioners, and the ſaid Commiſſioners are hereby directed and required to meet and attend according to ſuch Appointment: And when the ſaid Commiſſioners ſo convened ſhall have conſulted together and deliberated upon the Subject of the ſaid Meeting, they ſhall then proceed to lay out the Highway or Road required from Town to Town, and in the beſt and moſt advantageous Manner for public and general Utility and Convenience; *that is to ſay*, The Commiſſioners of each reſpective Town ſhall lay out that Part of the intended Road, which ſhall extend through the Town of which they are reſpectively Commiſſioners, and the ſame ſo being laid out, ſhall

Every Road leading to a Place of Embarkation, to run ſtraight from Town to Town.

This Section extended to the Towns of Livingſton *and* Clermont, *12th Seſſ. Ch.* 31. *Sec.* 2.

When ſuch Road to be laid out, Commiſſioners of the reſpective Towns to meet,

And lay out the Road in the beſt Manner.

How ſuch Roads to be laid out.

A.D. 1784. Inde. *U. S.* VIII.

If a Diſpute ariſes about the Place, and another Place be propoſed, how to be determined.

ſhall be certified, returned and recorded as a public Road or Highway, in the Manner directed in and by this Act, and ſhall be maintained in each reſpective Town: But if a Majority of the Commiſſioners of any or either of the ſaid Towns, when ſo met and aſſembled, ſhall diſapprove of, and not conſent to the Place or Places where any Part of ſuch Roads ſhall be propoſed to be laid out, and propoſe any other Place or Places for the ſame, to which the Commiſſioners of the Town through which that Part of the Road is to paſs, or a Majority of them, do not conſent and agree, then, and in every ſuch Caſe, a Deſcription ſhall be made in Writing, ſigned by all the Commiſſioners preſent, of both the Roads propoſed; and it ſhall be lawful for three or more of the ſaid Commiſſioners to apply to any two Juſtices of the Peace for the ſaid Counties reſpectively, not reſiding or holding Lands in that Town, concerning the Road through which ſuch Controverſy ſhall have ariſen, or the Town for which ſuch Road ſhall be required, and ſuch Juſtices are hereby authoriſed and directed thereupon to iſſue their Precept to the Sheriff of the ſaid County, commanding him to ſummon a Jury of twelve good and ſufficient Freeholders of the ſaid County, not intereſted in the Courſe of the ſaid Road, who being duly ſworn for that Purpoſe, ſhall enquire and give their Verdict, which of the Roads in Controverſy will be the beſt and moſt commodious as a main and public Highway; and an Inqueſt being thereof made under the Hands and Seals of the ſaid Juſtices and Jurors, ſhall be final and concluſive, according to which the Road ſhall be laid out, certified and returned as a public Road, by the reſpective Commiſſioners through whoſe Town it ſhall extend; and the Return thereof, together with the ſaid Inquiſition, being filed in the Office of the ſaid County, and entered of Record, the ſaid Road ſhall be deemed and eſteemed a public Road or Highway to all Intents and Purpoſes, and be ſupported and maintained in the reſpective Towns through which the ſame ſhall extend, in the ſame Manner as the other Highways in ſuch Towns are directed and required to be maintained and ſupported by this Act: Which Inqueſt ſhall be at the Expence of the Town, the Commiſſioners of which ſhall have refuſed to lay out the ſaid Road in the Direction found by ſuch Inqueſt, and ſuch Expence ſhall be paid out of the Monies raiſed in ſuch Town, in Purſuance of this Act: *Provided always*, That if ſuch Road ſo altered or laid out, ſhall run through any improved Lands, the Proprietor thereof ſhall be ſatisfied and paid therefor, as directed by the ſecond Section of this Act: *And provided further*, That nothing in this Act ſhall be conſtrued to make void, abridge or any wiſe leſſen the Rights and Privileges granted to the City of *Albany*, by Charter; any Thing contained in this Act to the Contrary thereof notwithſtanding.

And how maintained.

How and by whom Expences to be paid.

Privileges of the City of *Albany*, not altered by this Act.

When deep Snows fall, Inhabitants to open Roads.

XXIX. *And be it further Enacted by the Authority aforeſaid*, That the Overſeers of the Highways for the Road Diſtricts reſpectively, are hereby empowered, directed and required, to notify and order ſuch a Number of the Inhabitants of their reſpective Diſtricts, with their Sleds, Horſes or Oxen, as they the ſaid Overſeers ſhall think ſufficient and proper to open the Roads, whenever deep Snows happen to fall; and if any Perſon or Perſons being ſo notified and ordered as aforeſaid, ſhall neglect or refuſe to open any ſuch Road, ſuch Perſon or Perſons ſhall reſpectively forfeit the Sum of *Ten Shillings* for every Day they ſhall ſo neglect or refuſe ſuch Services, to be levied by the Overſeer requiring the ſame, in like Manner as the other Fines and Penalties inflicted by this Act; which ſaid Forfeiture of *Ten Shillings* ſhall be paid to the Commiſſioners of the Highways for the Town where ſuch Forfeiture ſhall ariſe, to be by them applied in building and repairing Bridges in the ſame.

On Refuſal, ſhall forfeit 10s. for each Neglect.

How Fines to be levied and applied.

Commiſſioners Allowance per Day.

XXX. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of Highways that ſhall be appointed by Virtue of this Act, ſhall

shall respectively be allowed the Sum of *Six Shillings* for each and every Day they shall respectively be employed in the Execution of their said Office, to be allowed and paid as the other contingent Expences of the Town they shall be Commissioners for, are allowed and paid.

XXXI. And *whereas* the Counties aforesaid are divided into Towns, Manors, Districts and Precincts; *Be it further Enacted by the Authority aforesaid*, That the Word, *Town*, as used in this Act, shall be taken and understood to comprehend the Words, Town, Manor, District and Precinct, as fully as though the same were used in this Act.

The Word, *Town*, to comprehend Town, Manor, District and Precinct.

XXXII. *And be it further Enacted by the Authority aforesaid*, That all and every the Laws for the laying out, altering, and keeping in Repair public Highways and private Roads within the Counties aforesaid, by whatsoever Stile or Title such Laws may be named, shall be, and hereby are repealed.

Former Road Laws repealed.

[*The last Clause of this Act, being the* 33*d Section thereof, is repealed,* 8*th Sess. Ch.* 38. *Sec.* 1.]

CHAP. LIII.

An ACT *to authorize the Congress of the United States to adopt certain Regulations respecting the* British *Trade.*

Obsolete.

Passed 4th May, 1784.

CHAP. LIV.

An ACT *to amend an Act, entitled, An* Act *for Relief against absconding and absent Debtors; and to extend the Remedy of the Act, entitled,* ‡ *An* Act *for granting a more effectual Relief in Cases of certain Trespasses; and for other Purposes therein mentioned.*

‡ 6*th Sess. Ch.* 31.

Passed 4th May, 1784.

WHEREAS divers Persons being indebted to the Citizens of this State, having, since the ninth Day of *July*, in the Year of our Lord One Thousand Seven Hundred and Seventy-six, removed from Parts of this State out of the Power of the Fleets and Armies of the King of *Great-Britain*, late Enemies of this State, to Parts thereof then within the Power of the said Fleets and Armies; or having during the late War remained in Parts of this State which then were within the Power of the Fleets and Armies of the said King, and who have respectively withdrawn himself or themselves from the State; by which Creditors will be defrauded of their just Dues, unless a legislative Provision shall be made for their Relief:

Preamble.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That if any Person or Persons, who, since the ninth Day of *July*, in the Year One Thousand Seven Hundred and Seventy-six, removed from any Part of this State out of the Power of the Fleets and Armies of the King of *Great-Britain*, late Enemies of this State, to any Part thereof, at the Time of such Removal, within the Power of the said Fleets and Armies; or having during the late War remained within the Power of the Fleets and Armies of the said King, and who hath or have since withdrawn himself or themselves respectively, from the said State, leaving Property within the same, are or shall be indebted to any Person or Persons, Citizens of this State, in the Sum of *Ten Pounds* or upwards, it shall and may be lawful for such Creditor or Creditors respectively, to make Application to any one of the Judges of the Supreme Court of Judicature of this State, or to any one of

How Citizens to recover their Debts from Persons who have left this State.

A. D. 1784. Inde. *U. S.* VIII.

of the Judges of the Court of Common Pleas of the County in which the Property of the Debtor or Debtors is or doth lie, and then and there make Affidavit, or (if of the People called *Quakers*) Affirmation, that ſuch Perſon or Perſons is or are juſtly indebted to him or them in the Sum of *Ten Pounds* or upwards; and ſhall alſo prove, by one or more Witneſs or Witneſſes, to the Satisfaction of the Judge to whom ſuch Application ſhall have been made, that ſuch Debtor or Debtors did, after the ninth Day of *July*, in the Year One Thouſand Seven Hundred and Seventy-ſix, remove from Parts of this State out of the Power of the Fleets and Armies of the King of *Great-Britain*, late Enemies of this State, to ſome Part thereof within the Power of the ſaid Fleets and Armies, while Enemies as aforeſaid; or did, during the late War, remain within the Power of the ſaid Fleets and Armies, and who hath or have withdrawn himſelf or themſelves reſpectively from this State, from Cauſes of Diſaffection, or otherwiſe; that then, and in ſuch Caſe, the ſaid Judge ſhall, and is hereby authoriſed to proceed in Manner, as nearly as may be, as is preſcribed and directed in and by the aforeſaid Act, entitled, † *An* Act *for Relief againſt abſconding and abſent Debtors*, paſſed the 3d Day of *April*, 1775.

Remedy for Perſons who left their Places of Abode, and whoſe Property in the Power of the *Britiſh* Troops, has been occupied, injured or deſtroyed.

II. And *whereas* many Perſons who have injured, deſtroyed or occupied the real or perſonal Eſtates of ſuch Inhabitants of this State, deſcribed in *An* Act *for granting a more effectual Relief in Caſes of certain Treſpaſſes*, have withdrawn themſelves from this State, leaving conſiderable Property within the ſame; *Be it therefore Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any Perſon or Perſons, who are or were Inhabitants of this State, and who, by Reaſon of the Invaſion of this State by the Troops of the King of *Great-Britain*, left his, her or their Places of Abode, and who have not voluntarily put themſelves reſpectively, in the Power of the ſaid Troops ſince they reſpectively left their Places of Abode, his, her or their Heirs, Executors or Adminiſtrators, after iſſuing Proceſs out of any Court of Record in this State, in the uſual Form, againſt any Perſon or Perſons who have occupied, injured or deſtroyed, his, her or their Eſtates, real or perſonal, in the Power of the Troops of the King of *Great-Britain* aforeſaid, his, her or their Heirs, Executors or Adminiſtrators; and after the Defendant or Defendants named in ſuch Proceſs, ſhall have been returned by the Officer to whom the ſame was directed, not found, to file a Declaration againſt ſuch Defendant or Defendants in ſuch Court of Record from which ſuch Proceſs iſſued; and that the Plaintiff or Plaintiffs ſhall thereupon, and within Ten Days after the Expiration of the Term in which ſuch Proceſs ſhall be returnable, cauſe a Publication to be made in one of the public Newſpapers printed in this State, for the Space of Ten Weeks ſucceſſively, ſetting forth that ſuch Proceſs hath been iſſued, and Declaration filed; and that unleſs ſuch Defendant or Defendants ſhall enter his, her or their Appearance in ſuch Action, within ſix Months from the Date of ſuch Publication, a Judgment will be entered againſt him, her or them, in ſuch Action. That if ſuch Defendant or Defendants ſhall not appear within the Time in and by ſuch Publication limited, the Court ſhall grant an interlocutory Judgment againſt the Defendant or Defendants, and thereupon a Writ of Inquiry ſhall be granted to aſcertain the *Quantum* of the Plaintiff's Demand; and on the Return thereof, final Judgment ſhall be entered for the Sum found in the Inquiſition, with Coſts, in ſuch Manner and Form, and ſuch further Proceedings ſhall be had thereon as if ſuch Defendant or Defendants had entered his, her or their Appearance on the Return of the Proceſs iſſued againſt him, her or them: *Provided always*, That no Execution on a Judgment to be obtained in the Mode preſcribed by this Act, ſhall be levied on any Ship or other

No Execution to be levied on any Ship or Cargo, nor on forfeited Property.

† This Act expired 1ſt *April*, 1785, and provided for 9th Seſſ. Ch. 24. Sec. 30.

A. D. 1784. Inde. U. S. VIII.

other Veſſel, or the Cargoes thereof reſpectively; nor on any Property forfeited to the People of this State.

III. AND *whereas* the Intent of the Perſon or Perſons bringing ſuch Suit, may be to ſatisfy ſuch Judgment out of the perſonal Property, Monies, Goods or Chattels of ſuch Defendant or Defendants in the Hands of Perſons now remaining within this State; *Be it therefore Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for every Plaintiff in ſuch Suit, to notify, in the Preſence of two Witneſſes, the Perſon or Perſons in whoſe Hands he ſhall conceive ſuch perſonal Property to be, of the bringing of the Suit and his Deſign, that the Judgment to be obtained ſhall be ſatisfied out of the perſonal Property of the ſaid Defendant or Defendants in the ſaid Perſon's Hands, and requeſt his, her or their Certificate on Oath, in Writing, of the Particulars or Amount of the ſame, which ſhall be filed with the Declaration. And if on the final Judgment the ſame ſhall not be found, or if ſuch Perſons reſpectively ſhall refuſe to give ſuch Certificate as aforeſaid, it ſhall be lawful for the Court in which ſuch Suit ſhall be commenced, to bring ſuch Perſon or Perſons into Court by Attachment, to examine them on Interrogatories, and to commit them without Bail or Mainpriſe until they comply with ſuch Rule or Order, as the ſaid Court in their Wiſdom ſhall think juſt and equitable.

Plaintiff to notify the Perſon in whoſe Hands Property may be,

In what Manner the Court may proceed.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Surplus of any Monies which may be in the Hands of any Truſtees to be appointed in Purſuance of this Act, after Payment made to the Creditor or Creditors of any ſuch Debtor or Debtors as aforeſaid, by the Sale of whoſe Eſtate ſuch Monies ſhall ſo come into the Hands of ſuch Truſtees as aforeſaid, and the Surplus of any Monies which may be in the Hands of any Sheriff, after paying and ſatisfying the Sum or Sums levied for by Virtue of any Execution or Executions, whereby ſuch Monies ſo come into the Hands of ſuch Sheriff ſhall be by them reſpectively paid into the Treaſury of this State, and be by the Treaſurer paid to the Debtor or Debtors, Defendant or Defendants, or their reſpective Attornies or legal Repreſentatives, whenever they ſhall reſpectively apply for the ſame.

Surplus Money to be paid into the Treaſury of the State,

And Treaſurer to pay it to the Debtor.

V. *Be it further Enacted by the Authority aforeſaid*, That every Citizen of this State, whoſe Eſtate, real or perſonal, has been injured, deſtroyed or occupied, by any ſuch Perſon or Perſons, who have ſo withdrawn themſelves from this State reſpectively, may have the like Remedy for recovering the Damages ſo ſuſtained by ſuch Injury, Deſtruction or Occupancy during the late War, as is given by this Act to the Perſons deſcribed in and by the ſaid Act laſt recited.

Remedy for all Citizens to recover Damages for Injuries done to their Property by Perſons who have left this State.

VI. AND *whereas* by an Act, entitled, ‡ *An* Act *relative to Debts due to Perſons within the Enemy's Lines*, paſſed the twelfth Day of *July*, One Thouſand Seven Hundred and Eighty-two, certain Suits and Proſecutions therein mentioned, which were already commenced, or might be thereafter commenced, ſhould be ſtayed until the Legiſlature ſhould make further Proviſion in the Premiſes; *Be it therefore Enacted by the Authority aforeſaid*, That the Neceſſity of ſtaying ſuch Suits as aforeſaid, does no longer exiſt; but that the ſaid Act, entitled, *An* Act *relative to Debts due to Perſons within the Enemy's Lines*, ſhall, and is hereby declared to be in full Force and Operation, according to the true Intent and Meaning thereof; except ſo far as reſpects the ſtaying of ſuch Suits.

‡ *6th Seſſ. Ch.* 1.

Suits for Debts due to Perſons within the Enemy's Lines, no longer ſtayed.

VII. AND *whereas* there appears to be an Omiſſion of the Words, *to any Perſon*, in the firſt enacting Clauſe of the aforeſaid Act: *Be it therefore further Enacted by the Authority aforeſaid*, That the Words, *to any Perſon*, ſhall be, and hereby

The Omiſſion of certain Words in another Act, declared to be inſerted.

A. D. 1784. Inde. U. S. VIII.

hereby are declared to be inſerted between the Words, *Due by or from any Perſon not within the Enemy's Power or Lines*, and the Words, *that has remained with*, in the ſaid firſt enacting Clauſe of the ſaid Act, entitled, *An* Act *relative to Debts due to Perſons within the Enemy's Lines.*

The Benefit of the ſaid Act extended to Priſoners.

VIII. And *whereas* it is provided in and by the ſaid laſt mentioned Act, that nothing therein contained ſhould be conſtrued to extend to any Perſon that theretofore had been, then was, or thereafter ſhould be a *Priſoner* with the Enemy; *Be it therefore further Enacted by the Authority aforeſaid*, That the Benefit of the ſaid Act ſhall be extended to all ſuch Perſons as are deſcribed in the ſaid Proviſo, except with Reſpect to Debts which ſuch Perſons may have contracted whilſt in Captivity at any Time during the late War.

CHAP. LV.

Privatt.

An ACT *to naturalize certain Perſons therein named.*

Paſſed 4th May, 1784.

CHAP. LVI.

Private. Supplementary Act, 9th Seſſ. Ch. 50.

An ACT *to appoint Commiſſioners to ſettle and adjuſt any Differences which may ariſe between the Proprietors of certain Lots in the City of* New-York, *the Buildings whereof were burnt in the Year* 1776, *and for altering the Streets which heretofore were laid out adjoining to ſuch Lots.*

Paſſed 4th May, 1784.

CHAP. LVII.

An ACT *to prevent the bringing in and ſpreading of infectious Diſtempers in this State.*

Paſſed 4th May, 1784.

Preamble.

WHEREAS the Ports of this State are now open to Veſſels coming from any foreign Parts, by Means whereof many infectious Diſtempers may be brought into this State; in Order as much as poſſible to prevent the ſame,

How and when Veſſels are to perform Quarantine.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Veſſels, of whatever Kind they may be, having on Board any Perſon or Perſons infected with the Yellow Fever or any other contagious Diſtemper, or coming from any Place infected with ſuch contagious Diſtemper, ſhall not come into any of the Ports or Harbours of this State, or nearer to the City of *New-York* than the Iſland commonly called *Bedlow's-Iſland*, and ſhall be obliged to perform Quarantine there, or in ſuch other Place, and for ſuch Time, and in ſuch Manner as the Governor, or Perſon adminiſtring the Government for the Time being, or in his Abſence from the ſaid City, as the Mayor thereof ſhall think proper to direct and appoint; and that during the Time of ſuch Quarantine, no Perſon or Perſons whomſoever, nor any Goods or Merchandize whatſoever, coming or imported in ſuch Veſſels, ſhall come or be brought on Shore, unloaded, or be put on Board of any other Veſſel within this State, or the neighbouring States of *New-Jerſey* or *Connecticut*, until ſuch Veſſel, Perſons, Goods and Merchandize ſhall reſpectively be diſcharged from ſuch Quarantine, by an Order from the Governor, or Perſon adminiſtring the Government for the Time being, or in his Abſence from the ſaid City, from the Mayor thereof; and all Maſters or Commanders of ſuch Veſſels, and all others who ſhall preſume to put on Shore, unload or put on Board any other Veſſel as aforeſaid, any Perſon or Perſons, Goods or Merchandize, contrary to the true Intent and Meaning of this Act, having firſt had Notice thereof, ſhall forfeit the Sum of *Two Hundred Pounds*, current Money of this State.

During which Time, no Perſon or Goods to come or be brought on Shore, or put on Board of any other Veſſel.

Maſter or others acting otherwiſe, to forfeit 200l.

II. *And*

A. D. 1784. Inde. *U. S.* VIII.

II. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Branch Pilots and their reſpective Deputies belonging to this State, ſhall uſe their utmoſt Endeavours to hail every Veſſel coming into this State from Sea, and ſhall aſk and demand of the Maſter or Commander of every ſuch Veſſel, whether he has on Board any Perſon or Perſons, ſick or infected with the Yellow Fever, or any other contagious Diſtemper, or whether ſuch Veſſel comes from any Place where infectious Diſtempers prevail; and being anſwered in the Affirmative, ſhall immediately give Notice to the Commander of ſuch Veſſel of the Penalty aforeſaid, and forbid his going any further with his Veſſel than *Bedlow*'s Iſland, and that he is to anchor his Veſſel there, until he ſhall have further Directions from the Governor, or Perſon adminiſtring the Government for the Time being, or in his Abſence from the ſaid City, from the Mayor thereof; and ſhall alſo forbid ſuch Commander from putting on Shore any Perſon who belonged to, or performed the Voyage in ſuch Veſſel, and from unloading or putting on Board any other Veſſel, any Perſon or Perſons, or Goods and Merchandize out of his ſaid Veſſel, under the Penalty aforeſaid; and any Branch Pilot or ſuch Deputy, neglecting his Duty therein, ſhall reſpectively forfeit the Sum of *Fifty Pounds* for every Offence; and if any Perſon or Perſons ſhall come on Shore from ſuch Veſſel (unleſs firſt permitted and licenced by the Governor, or Perſon adminiſtring the Government for the Time being, or in his Abſence from the ſaid City, by the Mayor aforeſaid) it ſhall and may be lawful to uſe all neceſſary Force and Conſtraint to compel ſuch Perſon or Perſons to return on Board the ſaid Veſſel, or to diſpoſe of him or them in ſome ſuitable Place, in order to prevent the Infection from ſpreading.

Pilots to hail Veſſels coming from Sea, and to aſk if they have any infectious Diſorders;

And if they have, to forbid their coming farther than *Bedlow*'s Iſland, or landing any Perſon or Goods.

Pilots neglecting, forfeit 50l.

Perſons coming aſhore without Permiſſion, compelled to return on Board.

III. *And be it further Enacted by the Authority aforeſaid*, That if the Commander of any Veſſel, having any Perſon or Perſons on Board, ſick or languiſhing under any of the aforeſaid Diſtempers, or coming from any Place infected therewith, ſhall not make a true Diſcovery thereof, when thereunto required as aforeſaid, ſuch Commander ſhall forfeit the Sum of *Two Hundred Pounds* for every ſuch Offence; and the Governor, or Perſon adminiſtring the Government for the Time being, is hereby authoriſed and empowered, by and with the Advice and Conſent of the Council of Appointment, to appoint a Phyſician to inſpect all Veſſels which may have on Board, or which may be ſuſpected of having on Board, any Perſon or Perſons infected with a contagious Diſtemper; and it ſhall and may be lawful to and for ſuch Phyſician, and he is hereby authoriſed and required to enter on Board all and every Veſſel and Veſſels coming into this State under the Circumſtances aforeſaid, and there to make ſtrict Search, Examination and Inquiry into the Health, State and Condition of the Maſter, Paſſengers and Mariners of ſuch Veſſels reſpectively, and to report his Diſcovery and Opinion thereupon without Delay, to the Governor, or Perſon adminiſtring the Government for the Time being, or in his Abſence from the City of *New-York*, to the Mayor of the ſaid City; and if any Perſon or Perſons whomſoever, ſhall preſume to hinder or obſtruct the ſaid Phyſician in performing the Duties required of him by this Act, ſuch Offender ſhall forfeit for every ſuch Offence, the like Penalty of *Two Hundred Pounds*, lawful Money aforeſaid; and the ſaid Phyſician ſhall be entitled to, and ſhall receive from the Commander of every Veſſel to be viſited by him in Purſuance of this Act, the Sum of *Twenty-Eight Shillings* for his Services in making ſuch Examination, and reporting threupon.

Commander of any Veſſel not making true Diſcovery, to forfeit 200l.

How Veſſels are to be inſpected.

Any Perſon obſtructing Inſpection, to forfeit 200l.

Phyſician to have for Inſpection, 1l. 8s.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be, and is hereby made the Duty of the Maſter and Wardens of the Port of *New-York*, to give their utmoſt Aid and Aſſiſtance in carrying this Law into Effect, and in their own Names, to ſue and proſecute for all the Penalties which ſhall ariſe, accrue or become forfeited, by Virtue of this Act; and to apply the ſame for the Uſe and Support of the Light-Houſe eſtabliſhed at *Sandy-Hook*, for the Security of Commerce.

Maſter and Wardens to carry this Act into Effect, and to ſue for all Penalties, and apply the ſame to the Uſe of the Light-Houſe at *Sandy-Hook*.

CHAP.

A. D. 1784. Inde. *U. S.* VIII.

Payment compelled 8th Sess. Ch. 16. *Obsolete.*

CHAP. LVIII.

An ACT *for raising £.* 100,000, *within the several Counties therein mentioned.*

Passed 6th May, 1784.

CHAP. LIX.

An ACT *for granting Relief to Heirs, Executors, Devisees and Legatees, and for other Purposes therein mentioned.*

Passed 10th May, 1784.

Preamble.

WHEREAS it is represented, that in the Course of the late War between *Great-Britain* and the United States of *America*, many Things have been done and transacted by Executors who remained within the *British* Lines, against the express Intention of their respective Testators, and in Violation of the Rights of Orphans and Widows, whose Distresses demand the Attention of the Legislature;

Where Trustees, Executors, or others, under a Will or by Virtue of Letters of Administration, have received the Whole or Part of any Estate, and not accounted for it, and have left this State,

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That where any Trustees, Executors, Devisees, Legatees, or Persons whatsoever, under any last Will or Testament, or by Virtue of Letters of Administration, have enjoyed, used or received the Whole or any Part of the real or personal Estate of their Testators or Intestates respectively, or the Rents, Issues or Profits thereof, for which they have not rendered a due Account, nor made due Satisfaction to other Parties in Trust or Interest under the same last Will or Testament, or as lawful Representative or Representatives of the same Intestate, and have withdrawn themselves out of this State, antecedent to the Time of passing this Act, the remaining Trustees, Executors or Parties interested in whatsoever Manner, under such last Will or Testament, or otherwise, as legal Representatives of the Testator or Intestate, may proceed against such absent Trustees, Executors, Devisees, Legatees or other Persons, by filing a Bill in the Court of Chancery of this State; and if any Defendant or Defendants in such Suit, against whom any Subpœna or other Process shall issue, shall not cause his, her or their Appearance to be entered upon such Process, within such Time, and in such Manner as, according to the Rules of the Court, the same ought to have been entered in Case such Process had been duly served, and an Affidavit or Affidavits shall be made to the Satisfaction of the said Court, that there is just Ground to believe that such Defendant or Defendants is or are not within the State, and was or were not to be found so as to be served with such Process; then, and in such Case, the said Court may make an Order, directing and appointing such Defendant or Defendants to appear at a certain Day therein to be named, and a Copy of such Order shall, within fourteen Days after the same has been made, be inserted in one or more of the News-Papers printed in this State, for such Term as the Court shall direct, not exceeding eighteen Months, and which Term shall expire before the Time limited in such Order for the Appearance of such Defendant or Defendants, and another Copy thereof shall be affixed up, within the same Term, upon one of the Doors of the Court-House in the County where such Defendant or Defendants did last usually reside: And if the Defendant or Defendants do not appear within the Time limited by such Order, or within such further Time as the Court shall appoint, then, on Proof made of such Publication of such Order as aforesaid, the Court being satisfied of the Truth thereof, may order the Plaintiff's Bill to be taken *pro Confesso*, and may make such Decree thereupon, as shall be thought just, and may thereupon issue Process to compel the Performance of such Decree, either by an immediate Sequestration and Sale

The remaining Trustees or Parties interested, may proceed against those who are absent, by filing a Bill in Chancery.

Defendants not appearing, nor to be found in the State, the Court to make an Order for Appearance on a certain Day.

And in Default of Appearance, Bill to be taken *pro Confesso*.

of

A. D. 1784. Inde. U. S. VIII.

of the real and personal Estate and Effects of the Party so absenting, (if any such can be found) or such Part thereof as may be sufficient to satisfy the Demands of the Plaintiff or Plaintiffs in such Suit, or otherwise, as the Nature of the Case shall require: And the said Court may likewise order such Plaintiff or Plaintiffs to be paid and satisfied, his, her or their Demands, out of the Estate or Effects so sequestered and sold, or otherwise, according to the true Intent and Meaning of such Decree. *Provided*, That it shall be in the Discretion of the said Court, in Cases which shall appear to the said Court to render such a Provision just and necessary, to give a Day to such absent Persons, or their Representatives, not exceeding eighteen Calendar Months from the Time of making such Decree, to apply to the said Court for a Re-hearing and Revisal of the same; and also to require of the Plaintiff or Plaintiffs, sufficient Security in such Sum as the Court shall think proper, to abide such Order, touching the Restitution of such Estate or Effects, or the Money arising from such Sale as the Court shall think proper to make concerning the same, upon the Defendant or Defendants Appearance to defend such Suit, and paying such Costs to the Plaintiff or Plaintiffs, as the Court shall order: But in Case such Plaintiff or Plaintiffs shall refuse or neglect to give such Security as aforesaid, then the said Court shall order the Estate or Effects so sequestered, or the Money arising from the Sale, to remain under the Direction of the Court, either by appointing a Receiver thereof, or otherwise, as to the said Court shall seem meet, until the Appearance of the Defendant or Defendants, to defend such Suit, and his, her or their paying such Costs to the Plaintiff or Plaintiffs as the said Court shall think reasonable, or until such Order shall be made therein as the Court shall think proper. *Provided also*, That if it should happen that an Attachment should have been sued out while such Cause is depending in the said Court of Chancery, against the Estate and Effects of such absent Persons, according to any Law of this State, in such Case made and provided; then, and in such Case, it shall only be the Duty of the said Court to ascertain by their Decree, the Sum or Sums of Money due to the Plaintiff or Plaintiffs, (unless the Demand of such Plaintiff or Plaintiffs be of some real Estate, held in Trust for his, her or their Benefit, for the possessing and disposing whereof, the Aid of the said Court may be necessary) and such Plaintiff or Plaintiffs shall be entitled to his, her or their Proportion in the Distribution of the Estate and Effects of such absent Person or Persons, according to the Sum or Sums ascertained in the said Decree, and in common with the other Creditors of the said absent Persons, according to any Law of this State as aforesaid: And in Case the Time for making such Distribution according to Law, shall arrive before such Decree shall be made as aforesaid, it shall, in such Case, be the Duty of the Trustees appointed pursuant to such Law, on due Notice to them from the Plaintiff or Plaintiffs, of such Suit depending in the said Court, to take sufficient Security from the Creditors, for whose Benefit such Distribution shall be made, to refund so much of their respective Shares as may be necessary to satisfy such Plaintiff or Plaintiffs, for his or their Dividend of the Proportion or Proportions of the Estate and Effects of such absent Persons, to which he, she or they may become entitled by the Decree of the Court aforesaid, to be made as aforesaid.

Court may grant a Re-hearing, and require Security from Plaintiffs.

Plaintiffs neglecting to give Security, the Estates to remain under the Direction of the Court.

Where the Court is only to ascertain the Sums due to Plaintiffs.

II. And *whereas* in some Cases special Powers have been granted by Testators to Executors and Trustees, in and by the last Wills and Testaments of such Testators, to be exercised by the said Trustees and Executors, or the Survivors of them jointly; which Powers, by the Removal of some of the said Trustees or Executors from the State, cannot now be executed agreeable to the Intentions of such Testators; *Be it Enacted by the Authority aforesaid*, That where two or more Trustees or Executors have been appointed, by any Will or Wills, within this State, with joint Power to execute and perform certain Trusts therein contained, and one or more of such Trustees or Executors

Trustees or Executors now remaining in this State, invested with Power to execute the Trust given to them jointly with others who have left this State.

A. D. 1784. Inde. *U. S.* VIII.

cutors have left this State without diſcharging the Duty or Duties required of them by the ſaid Wills reſpectively, agreeable to the Intentions of the Teſtators thereof; that in ſuch Caſe the Truſtee or Truſtees, Executor or Executors now remaining in this State, and the Survivors and Survivor of them ſhall have, and is and are hereby inveſted with all the Powers and Authorities in the ſaid Wills reſpectively contained, as if all the Truſtees or Executors named in ſuch Wills reſpectively, were perſonally preſent.

III. AND *whereas* by the Circumſtances of the late War, Truſtees and Executors under laſt Wills have, in many Inſtances, ſuffered the Time in and by the ſaid laſt Wills limited for the Sale of real Eſtate belonging to their Teſtators reſpectively, to lapſe without making the ſaid Sale, purſuant to the Authority to them for that Purpoſe given, whereby they can no longer perform the Truſts incumbent upon them, according to the ſaid laſt Wills, without Application to the Court of Chancery for an Extention of the Time limited, which would be productive of Delay and Expence; *Be it therefore further Enacted by the Authority aforeſaid*, That where the Time limited by any laſt Will within this State, for the Sale of any real Eſtate belonging to the Teſtator, has expired at any Time ſince the nineteenth Day of *April*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-five, and before the paſſing of this Act, it ſhall and may be lawful to and for the Perſons to whom ſuch Power was given, or ſuch of the ſaid Perſons as now remain within the State, the Survivors or Survivor of them, to carry into Execution the ſaid Truſts, as though the Time ſo limited had not expired; and that the Time mentioned in any ſuch laſt Will for the Execution of ſuch Truſts, ſhall be deemed and taken to commence on the firſt Day of *May* next enſuing.

Where the Time limited by a Will for the Sale of any real Eſtate, expired ſince 19th *April*, 1775, the Power to be executed;

And the Time limited ſhall be taken to commence 1ſt *May*, 1785.

IV. AND *whereas* during the Time which the Southern Diſtrict of this State was in Poſſeſſion of the Fleets and Armies of the King of *Great-Britain*, many Wills were proved and Letters Teſtamentary were granted in the ſaid Diſtrict, by or under Authority derived from the ſaid King: *And whereas* it is neceſſary, for the Benefit of Widows and Orphans, to confirm the ſaid Proceedings; *Be it Enacted by the Authority aforeſaid*, That all and every Probate or Probates, or Letters Teſtamentary, iſſued or granted out of the Office of any Perſon or Perſons reſiding in the Southern Diſtrict of this State, and deriving Authority from or under the King of *Great-Britain* for that Purpoſe, from and between the fifteenth Day of *September*, in the Year One Thouſand Seven Hundred and Seventy-ſix, and the Twenty-fifth Day of *November*, in the Year One Thouſand Seven Hundred and Eighty-three, is, and are hereby declared to be comfirmed and made valid in the Law, to all Intents, Conſtructions and Purpoſes whatſoever, in like Manner as if the ſaid Probates, or Letters Teſtamentary, and every of them, had been granted or iſſued by any Officer acting under the Authority of the People of this State; unleſs the Perſon or Perſons who may conceive themſelves aggrieved by ſuch Probate or Probates, or Letters Teſtamentary, ſhall, within eighteen Calendar Months from the paſſing of this Act, file a Caveat in the Office of the Judge of Probates of this State, againſt the confirming of ſuch Probate or Letters Teſtamentary, and procure to be iſſued out of the ſaid Court of Probates, a Citation, citing the Parties intereſted under ſuch Probate or Letters Teſtamentary, to appear before the Judge of Probates, in order that a full Hearing may be had thereon, and Juſtice done therein. *Provided*, That the original Wills, Probates, and Letters Teſtamentary as aforeſaid, reſpectively, be recorded in the Probate Office of this State, for the Information of all ſuch Perſons whom it may in any wiſe concern, as in other Caſes where Wills have been proved according to Law.

Probates, and Letters Teſtamentary granted in Southern Diſtrict, between the 15th of *Sept.* 1776, and the 25th of *Nov.* 1783. confirmed,

Unleſs Caveats ſhall be filed in eighteen Months, by Perſons aggrieved,

And Citation iſſued out of the Court of Probates.

Original Wills, Probates, and Letters Teſtamentary, to be recorded in the Probate Office.

V. *And*

A. D. 1784.
Inde. *U. S.* VIII.

V. *And be it further Enacted by the Authority aforesaid,* That nothing in this Act contained, shall be deemed or construed in any Manner to extend to, or affect any real or personal Estate which may be vested in the People of this State, by the Attainder or Conviction of any Person or Persons whatsoever.

Forfeited Estates not to be affected by any Thing in this Act.

CHAP. LX.

An ACT *to encourage the Settlement of the Waste and unappropriated Lands within this State.*

Passed 10th May, 1784.

Repealed 8th Sess. Ch. 66. Sec. 1. 9th Sess. Ch. 67. Sec. 36.

CHAP. LXI.

An ACT *for the Relief of* Elizabeth Bend, *and* Grove Bend, *and their Creditors.*

Passed 10th May, 1784.

Private.

CHAP. LXII.

An ACT *for the Relief of* John Hubbart *and* Richard Varick.

Passed 10th May, 1784.

Private.

CHAP. LXIII.

An ACT *for granting certain Lands promised to be given as Bounty Lands, by Laws of this State, and for other Purposes therein mentioned.*

Passed 11th May, 1784.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That his Excellency the Governor, or Person administring the Government of the State for the Time being, the Lieutenant-Governor, the Speaker of the Assembly, the Secretary of the State, the Attorney-General, the Treasurer, and the Auditor thereof respectively for the Time being, shall be, and they are hereby constituted and appointed Commissioners for granting certain Lands promised to be given as Bounty Lands, by Laws of this State herein after particularly mentioned; and that all and every the Powers and Trusts to be vested in the said Commissioners by Virtue of this Act, shall and may be lawfully executed by any three of them, the Governor, or Person administring the Government for the Time being, always to be one thereof.

Commissioners appointed to grant Lands promised as Bounty Lands.

II. *And be it further Enacted by the Authority aforesaid,* That whenever any Person, or the legal Representative or Representatives of any Person entitled to Grants of Land by Virtue of the Act, entitled, ‖ *An Act for raising two Regiments for the Defence of this State, on Bounties of unappropriated Lands,* passed *March* the 20th, 1781, or by Virtue of an Act, entitled, ¶ *An Act for raising Troops to complete the Line of this State in the Service of the United States; and the two Regiments to be raised on Bounties of unappropriated Lands, and for the further Defence of the Frontiers of this State,* passed *March* the 23d, 1782; or by Virtue of another Act, entitled, † *An Act to enable* John Cochran, *Esquire, to locate two Thousand Acres of waste and unappropriated Lands within this State,* passed *March* the 8th, 1783, shall produce a Certificate from the Surveyor-General of this State to the said Commissioners, certifying that the Person therein named, is entitled, by Virtue of the said Acts, or either of them, to the Quantity of Land in such Certificate mentioned and described; that the same is laid out as nearly in a Square as the circumjacent patented Lands will

Persons entitled to Lands under certain Acts, to produce Certificates.

‖ *4th Sess. Ch.* 32.

¶ *5th Sess. Ch.* 22.

† *6th Sess. Ch.* 26.

Purport of such Certificate.

A. D. 1784. Inde. *U. S.* VIII.

will admit of; or is laid out as nearly in a Square as local Circumſtances will admit of, or is laid out in a Square, as the Caſe may be; that the ſame is not, to the Beſt of his Belief and Information, then granted to, or located by any other Perſon by Virtue of any of the before recited Acts; that it was not occupied and improved by any Perſon, on or before the 25th Day of *July*, in the Year One Thouſand Seven Hundred and Eighty-two; that it is no Part of the Land by this Act reſerved to the Uſe of the People of this State; the ſaid Commiſſioners ſhall thereupon direct Letters Patent to be made out, and the Governor ſhall affix the Great Seal of this State thereto. *Provided always*, That if any Caveat ſhall be entered in the Secretary's Office by any Perſon whatever claiming Lands ſo located, that the ſaid Commiſſioners ſhall decide on the Principles of Equity and good Conſcience, if ſuch Location ſhall be valid or not; firſt giving timely Notice to the Parties, to appear and be heard by themſelves or by Council on their Behalf; and if the Location ſhall by the ſaid Commiſſioners be deemed void, the Perſon having made the ſame may locate other ungranted and unappropriated Lands, as though no Location had ever been made.

Commiſſioners thereupon to direct Letters Patent to be made out.

If a Caveat is entered, the Commiſſioners to decide on Principles of Equity.

III. *And be it further Enacted by the Authority aforeſaid*, That if any Tract of Land deſcribed in any Location already entered, or to be entered in the Surveyor-General's Office, ſhall appear, upon actual Survey, to contain a greater or a leſs Quantity of Acres than the Perſon having located, or who may hereafter locate, is entitled to, it ſhall be the Duty of the Surveyor-General to reduce or extend the Bounds of ſuch Tract, as the Caſe may require; or if the Lands ſo located do not lay as nearly in a Square as Circumſtances will permit, the ſaid Surveyor-General ſhall reduce the Bounds to a Square, or as nearly to a Square as may be.

Locations containing greater or leſs Quantities than they ought, to be reduced or extended by Surveyor-General,

And to lay as nearly in a Square as poſſible.

IV. AND *whereas* by a Law of this State, entitled, ‡ *An* Act *to prevent Grants or Locations of the Land therein mentioned*, paſſed the 25th *July*, 1782; certain Lands were intended to be reſerved to the Uſe of the State: And whereas ſuch Lands were not otherwiſe deſcribed in the ſaid Law, than as Lands "theretofore reſerved and applied for public Uſes:" And whereas the Terms "reſerved and applied for public Uſes," are not only doubtful and indefinite, but no ſpecific Quantity of Land is directed to be ſet apart adjacent to Places intended to be "reſerved and applied" as aforeſaid, and Lands ſuppoſed to be intended by the ſaid Act to be reſerved, and other Lands adjacent thereto, were actually located by Virtue of the ſaid firſt mentioned Acts, before the paſſing of the ſaid laſt mentioned Act; and the Surveyor-General having no definite Directions how to conduct himſelf in the Premiſes; to explain and remedy which, *Be it further Enacted by the Authority aforeſaid*, That the ſaid Surveyor-General be, and he is hereby inhibited from granting any Certificate for either of the ſeveral Tracts of Land herein after particularly ſpecified, or for any Part thereof; *that is to ſay*, He ſhall not grant any Certificate for a certain Tract of Land adjoining the South End of *Lake-George*, within two Miles of the Fort called *Fort-George*; for a certain Tract of Land at *Tyconderoga*, comprehended by the Limits following; bounded ſoutherly and eaſterly by Part of the Waters of *Lake-Champlain*, northerly and weſterly by patented Lands; for a certain Tract of Land at *Crown-Point*, comprehended within the Limits following, *to wit*; Bounded on the Weſt, North and Eaſt, by *Lake-Champlain*; on the South by a Weſt Line from the Waters of *Lake-Champlain* on the Eaſt of the Peninſula, ſo as to comprehend all the vacant Lands on the ſaid Peninſula; for a certain Tract of Land at a Peninſula adjoining *Lake-Champlain*, commonly called *Point-Aufer*, bounded on the South, Eaſt and North, by *Lake-Champlain*, and on the Weſt by a Line acroſs the ſaid Peninſula, on ſuch Courſe as the ſaid Surveyor-General ſhall judge moſt eligible, ſo as to comprehend Five Hundred

‡ *6th Seſſ. Ch.* 11.

Surveyor-General inhibited from granting Certificates for Lands hereby particularly preſcribed.

A.D. 1784. Inde. U. S. VIII.

dred Acres of Land; for two certain Tracts of Land adjoining *Lake-Ontario*, where the *Onondaga-River* falls into the said Lake, running from the Mouth of the said River, and on both Sides thereof, as the same runs, one Mile; then extending northerly and southerly one Mile, with a Line perpendicular to the general Course of the River within the said Mile; thence westerly, with the said general Course to *Lake-Ontario*; thence northerly and southerly to the Places of Beginning; for a certain Tract of Land adjoining the Water-Communication between *Lake-Erie* and *Lake-Ontario*, and to be bounded on the East by a Line across a Pond, one Mile distant from the most easterly Inclination of the said Water-Communication, on a Perpendicular to the general Course of the said Communication, and to extend from the said Pond to *Lake-Ontario* on the one Side, and to *Lake-Erie*, or to the North Boundary Line of *Pennsylvania*, as the Case may be, on the other Side. For a certain Ore Bed lying about eight Miles North of *Crown-Point*, adjoining to *Lake-Champlain*, commonly called *Skeene's Ore Bed*; for all that certain Piece of Land adjoining the Falls commonly called *Oswego-Falls*, on the *Onondaga-River*, beginning Twenty Chains above where the Batteaux were heretofore usually taken out of the said River, to be carried across the Portage, and extending down the said River Twenty Chains below where the Batteaux were usually put into the said River, after having been transported over the said Portage, and extending North-easterly in every Part between the said two Places, Ten Chains from the said River; nor shall any such Certificates be granted by the said Surveyor-General for any unpatented Lands laying in the Southern District of this State, and for no Lands vested in the People of this State, as confiscated or forfeited by the Attainder or Conviction of any Person whatsoever; and that the Lands so inhibited from being certified as aforesaid, shall be, and hereby are reserved to the Use of this State; any Law to the contrary notwithstanding.

Which Lands are reserved for the Use of the State.

V. *And be it further Enacted by the Authority aforesaid*, That every Survey to be made of any Lands located, or to be located by Virtue of the said Acts, or either of them, shall be performed by the Surveyor-General, at the Expence of the Party who located, or may hereafter locate, and that no more than *Twenty Shillings* per Day shall be taken by the said Surveyor-General, for each Day he may be employed in and about such Survey, making the Maps, and in travelling to make such Survey, and in returning therefrom, except as in the said Acts is excepted.

All Surveys made by the Surveyor-General, to be at the Expence of the Party who located.

VI. *And be it further Enacted by the Authority aforesaid*, That all Certificates of Inlistment given by any Person appointed by his Excellency the Governor to muster Men, to be raised by Virtue of any of the said Laws, shall be accepted by the Surveyor-General as tho' such Persons had been appointed by Virtue of any Law of this State.

Certain Certificates to be accepted by Surveyor-General.

VII. *And be it further Enacted by the Authority aforesaid*, That the Lands herein reserved to the Use of this State, and laying adjoining to *Lake-George*, *Ticonderoga* and *Crown-Point*, shall and may by the said Commissioners be leased unto any Citizen or Citizens of this State, for a Term of Years not exceeding Twenty-one Years, and on such Terms and Conditions as the said Commissioners shall deem most beneficial to the Interest of this State.

Land reserved to the State, may be leased for Twenty-one Years.

[*The eighth Section of this Act is repealed, 8th Sess. Ch. 23. Sec. 2: And both the eighth and ninth Sections of this Act are repealed, 9th Sess. Ch. 67. Sec. 36.*]

X. And *whereas* by a Law of this State, entitled, *An* Act *to prevent Grants or Locations of the Lands therein mentioned*, passed the 25th *July*, 1782, a Tract of Country was set apart, within which the Troops of the Line of this State, lately

Reciting, that a certain Tract of Country was set apart for the Troops of this State;

A. D. 1784. Indo. U. S. VIII.

That by concurrent Reſolutions of the Legiſlature, Land was promiſed to certain Perſons in ſuch Reſolutions deſcribed.

lately ſerving in the Army of the United States, were to be provided with Lands; *And whereas* on the Twenty-ſeventh Day of *March*, in the Year One Thouſand Seven Hundred and Eighty-three, by concurrent Reſolutions of the Senate and Aſſembly, a certain Quantity of Land was promiſed to each of the Officers, Non-commiſſioned Officers and Privates, and other Perſons deſignated in the ſaid concurrent Reſolutions; *Be it therefore further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall, by Advertiſement, to be publiſhed in one or more of the News-papers of this State, require Returns to be laid before them of all Perſons or their legal Repreſentatives entitled to Lands by Virtue of the ſaid Act or concurrent Reſolutions; and having decided thereon, ſhall certify the Names of ſuch Perſons as ſhall appear to them to be entitled to Lands, thereby ſpecifying the Quantity of Land to the Surveyor-General under the Hand of the Governor, which Certificate ſhall alſo deſignate in what Part of the Tract of Country the Land mentioned in ſuch Certificate ſhall be laid out, and thereupon the Surveyor-General ſhall immediately proceed to lay out the ſame in Townſhips of Twenty-four Thouſand Acres, and in a ſquare Form, or as near to a Square as Circumſtances will permit; and ſhall alſo ſubdivide ſuch Townſhips into Lots of Two Hundred Acres each, on a Map or Maps, and ſhall tranſmit a Copy of ſuch Map or Maps to the Commiſſioners aforeſaid, who ſhall thereupon proceed by Ballot to determine to whom each Lot ſo laid out ſhall belong; and the Governor is hereby authoriſed to grant Letters Patent for the reſpective Lots, as herein before directed, and the Secretary of the State is hereby required to tranſmit the Names of the Perſons who ſhall ſo become entitled to Lots, with the Number of the Lot diſignated for each, and the Number and Name of the Townſhip in which ſuch Lots lay, to the Surveyor-General.

Commiſſioners to decide who are entitled to Lands.

How ſuch Lands are be laid out and granted.

Officers and Privates of Col. *Lamb*'s Regiment of Artillery entitled to Lands as other Officers and Privates.

See 12th Seſſ. Ch. 44.

XI. *And be it further Enacted by the Authority aforeſaid*, That all the Officers Non-commiſſioned Officers and Privates, which belonged to the Regiment of Artillery commanded by Colonel *John Lamb*, on the firſt Day of *January*, in the Year One Thouſand Seven Hundred and Eighty-one, and ſuch of them as continued in Service to the End of the War, or their legal Repreſentatives, ſhall be entitled to the ſame Quantity of Land as other Officers, Non-commiſſioned Officers and Privates are entitled to by the ſaid concurrent Reſolutions of the Senate and Aſſembly, paſſed the 27th Day of *March*, 1783.

[*The twelfth Section of this Act is repealed*, 9*th Seſſ. Ch.* 67, *Sec.* 36.]

Perſons entitled to Lands to exhibit their Claim by a given Day.

See 12th Seſſ. Ch. 44. *Sec.* 2.

XIII. *And be it further Enacted by the Authority aforeſaid*, That no Perſon or Perſons whatſoever ſhall be entitled to Lands by Virtue of the ſaid Act or Reſolutions, unleſs ſuch Perſon or Perſons ſhall reſpectively exhibit their Claim or Claims for ſuch Lands to the Commiſſioners aforeſaid, on or before the firſt Day of *May*, in the Year One Thouſand Seven Hundred and Eighty-five.

Commiſſioners to direct Surveyor-General to lay out Lands for *Canadian* and *Nova-Scotia* Refugees, and how.

XIV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioners to direct the Surveyor-General to lay out ſuch a Number of Townſhips of unappropriated and unoccupied Lands for the *Canadian* and *Nova-Scotia* Refugees, upon a Return ſigned by Brigadier General *Moſes Hazen* and Colonel *James Livingſton*, or either of them, on the Part of the *Canadian* Refugees, and Colonel *Jeremiah Throop* on the Part of the *Nova-Scotia* Refugees, at ſuch Place in the Northern Part of this State as they ſhall think proper, not exceeding One Thouſand Acres to each of the Commiſſioned Officers, and Five Hundred Acres to each other Perſon or Perſons, Refugees as aforeſaid. *Provided nevertheleſs*, That the ſaid Commiſſioners ſhall not grant any Lands to any of the ſaid *Canadian* or *Nova-Scotia* Refugees, unleſs it ſhall appear to them, by ſatisfactory Proof, that ſuch Refugees had reſpectively actually left *Canada* or *Nova-Scotia* before the firſt Day

Commiſſioners not to grant Lands to ſuch Refugees but on certain Conditions.

of

of *November*, in the Year One Thousand Seven Hundred and Eighty-two, and have respectively resided within this State for the Term of two Years next preceding the said Day last mentioned: And the Governor shall direct Letters Patent to be issued accordingly, to the said Person or Persons respectively, on his or their paying to the Surveyor-General, their Proportion of the Expence of running out the Lines of the said Townships, and the Patent Fees, as is directed by the Act, entitled, ‡ *An* Act *to encourage the Settlement of the Waste and unappropriated Lands within this State.*

A. D. 1784. Inde. *U. S.* VIII.

Governor to direct Letters Patent to issue to such Refugees on their paying Fees.

‡ *7th Sess. Ch.* 60.

XV. *And be it further Enacted by the Authority aforesaid*, That the Lands hereby directed to be granted to the said Refugees as aforesaid, shall be subject to the same Conditions of Settlement and Forfeitures, as the Lands to be granted by Virtue of the Act aforesaid, entitled, *An* Act *to encourage the Settlement of the Waste and unappropriated Lands within this State.*

Conditions of Settlement and Forfeiture which such Lands are subject to.

XVI. *And be it further Enacted by the Authority aforesaid*, That when the Surveyor-General shall have laid out the Quantity of Land agreeable to such Directions as he shall receive from the Commissioners, by Virtue of the two last preceding Clauses of this Act, and made a Subdivision thereof, into Lots of Two Hundred and Fifty Acres each, on a Map or Maps, and shall have transmitted a Copy of such Map or Maps to the Commissioners aforesaid, the said Commissioners shall thereupon proceed by Ballot, or otherwise, as to them shall seem best, to determine to which of the said Persons contained in the Returns of the said General *Hazen*, Colonel *Livingston*, or Colonel *Throop*, the Lots respectively shall belong.

After Surveyor-General has laid out such Lands Commissioners to determine to whom each Lot shall belong. *Altered 9th Sess. Ch. 67. Sec.* 34.

XVII. *And be it further Enacted by the Authority aforesaid*, That the Commissioners appointed by an Act, entitled, *An* Act *to encourage the Settlement of the Waste and unappropriated Lands within this State*, or any three or more of them, the Governor, or Person administring the Government, being always one, are hereby authorised to direct the Surveyor-General of this State, to lay out so much of the said Lands into Townships, and in such Manner, as to the said Commissioners, or any three or more of them, the Governor, or Person administring the Government always being one, shall appear to be most for the Interest of the State; and the Surveyor-General is hereby directed to conform himself, in all Things respecting the laying out and surveying of the said Lands, to such Orders as he, from Time to Time, may or shall receive from the said Commissioners as aforesaid.

Commissioners of the Land-Office to lay out Townships in the most beneficial Manner,

And Surveyor-General to conform to their Directions.

CHAP. LXIV.

An ACT *for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned.*

Passed 19th May, 1784.

Amended, 8th Sess. Ch. 49. *9th Sess. Ch.* 58. *11th Sess. Ch.* 90.

WHEREAS the public Exigences require that the Goods and Chattels, Lands and Tenements which have been forfeited to, and are now vested in the People of this State, by Attainder or Conviction, in the Progress of the late War, should be sold and converted into Money, and otherwise applied for sinking and discharging the public Securities;

Preamble.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Person administring the Government of this State for the Time being, shall be, and is hereby authorised and required, by and with the Advice and Consent of the Council of Appointment, to appoint during the pleasure

Council of Appointment to appoint Commissioners of Forfeitures.

A. D. 1784. Inde. *U. S.* VIII.

How many for each Diſtrict,

Pleaſure of the ſaid Council, and to commiſſion under the Great Seal of this State, ſeven ‡ Commiſſioners of Forfeitures, *viz.* Two Commiſſioners for the Southern Diſtrict; one other Commiſſioner for the Middle Diſtrict; three Commiſſioners for the Weſtern Diſtrict, and one Commiſſioner for the Eaſtern Diſtrict: That it ſhall and may be lawful, to and for the ſaid Commiſſioner or Commiſſioners of Forfeitures to be appointed by Virtue of this Act, for the reſpective Diſtricts of this State, and they are hereby authoriſed and required, from Time to Time, to ſell and diſpoſe of all Lands, Tenements, Hereditaments and real Eſtate, within their reſpective Diſtricts, heretofore confiſcated and forfeited to the People of this State in Manner herein after directed, and to make, ſeal and deliver to the Purchaſer or Purchaſers reſpectively, or to their reſpective Heirs or Aſſigns, good and ſufficient Deeds and Conveyances in the Law, to veſt the ſame in him or them reſpectively; That every ſuch Purchaſer and Purchaſers, his, her and their Heirs and Aſſigns, ſhall, by Virtue of ſuch Deed and Conveyance reſpectively, be ſo veſted in Title, Seiſin and Poſſeſſion of the Lands, Tenements and Hereditaments ſo purchaſed, as to have and maintain, in his, her or their Name or Names, any Action for Recovery thereof, or Damages relating thereto, any actual Seiſin or Poſſeſſion thereof, in any other Perſon or Perſons notwithſtanding; That every ſuch Deed and Conveyance ſhall be deemed to operate as a Warranty from the People of this State, to the Purchaſer or Purchaſers reſpectively, and their reſpective Heirs and Aſſigns, for the Lands, Tenements and Hereditaments ſo to be reſpectively granted and conveyed, againſt all Claims, Titles and Incumbrances whatſoever; and ſuch Purchaſer or Purchaſers reſpectively, and their reſpective Heirs and Aſſigns ſhall, in Caſe of Eviction, have ſuch Remedy and Relief upon ſuch Warranty, as is conſiſtent with good Faith, in ſuch Manner as ſhall be provided for by future Act or Acts of the Legiſlature; and if Judgment in a due Courſe of Law ſhall be obtained for any Lands, Tenements or Hereditaments which ſhall be ſold by Virtue of this Act, againſt any Perſon or Perſons having derived Title thereto, from or under the People of this State, or either of the ſaid Commiſſioners, the Perſon or Perſons having ſo obtained Judgment, ſhall not have any Writ of Poſſeſſion, nor obtain the Poſſeſſion of ſuch Lands, Tenements or Hereditaments, until he, ſhe or they ſhall have paid to the Perſon or Perſons poſſeſſing the Title thereto, derived from or under the People of this State, or the ſaid Commiſſioners or either of them, the Value of all Improvements made thereon after the paſſing of this Act, as the ſame ſhall be eſtimated, valued, and aſcertained by two or more Appraiſers; which Appraiſers ſhall be by Rule for that Purpoſe appointed, by the Court in which ſuch Judgment ſhall have been obtained, unleſs the Parties ſhall agree on the Value of ſuch Improvements, or agree on and ſubmit to Appraiſers to value the ſame.

Who are to ſell forfeited Eſtates and execute Deeds to Purchaſers;

Such Deed to operate as a Warranty from the State, againſt all Claims.

If Judgment be obtained againſt any Purchaſer, there ſhall be no Writ of Poſſeſſion until Payment is made for Improvements.

Commiſſioners to ſell either at private Sale or Public Vendue.

Six Weeks Notice to be given of Sales at Vendue, with a Deſcription of the Lands.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Commiſſioner or Commiſſioners of Forfeitures, and they are hereby fully authoriſed to ſell and diſpoſe of all the confiſcated and forfeited Lands, Tenements and Hereditaments within their reſpective Diſtricts, at public Vendue, to the higheſt Bidder or Bidders, or at private Sale, or by either of the ſaid Modes which he or they may deem to be moſt beneficial to this State; and that the ſame ſhall be ſold in ſuch Parcels as the Commiſſioner or Commiſſioners ſhall from Time to Time think proper; firſt giving ſix Weeks Notice of the Sale or Sales ſo to be made by public Vendue, in two or more of the public News-papers of this State, containing a Deſcription as to the Quantity, by Eſtimation, of the Lands, Tenements and Hereditaments to be ſold; the Situation thereof, and the Name or Names of the Perſon or Perſons, by the Attainder or Conviction of whom the ſaid Lands, Tenements

‡ Office of Commiſſioner of Forfeitures ceaſed 1ſt *September*, 1788, and the Surveyor-General veſted with the Authority to ſell and diſpoſe of confiſcated Eſtates, 11 Seſſ. Ch. 90.

A. D. 1784. Inde. *U. S.* VIII.

Tenements and Hereditaments are deemed to have become forfeited. *Provided always*, That such Lands, Tenements and Hereditaments shall, in the first Place, be put up for Sale at public Vendue, and that if the Commissioner or Commissioners selling the same, shall deem that the highest Bidder hath not bidden a Sum equal to what such Commissioner or Commissioners shall conceive to be the true Value thereof, or nearly so, that then he or they shall adjourn the Sale to a future Day; and if at such future Day he or they shall not be able to procure what shall be deemed by him or them to be the Value thereof, or nearly so, he or they shall no longer be bound to expose the same at public Vendue, but may proceed to dispose of the same by private Contract and Sale, first duly advertising the same as is herein after directed with Respect to unimproved Lands to be sold at private Sale in the Eastern and Western Districts: *And provided also*, That if the said Commissioner or Commissioners for the said Eastern and Western Districts, shall deem it prejudicial to the Interest of this State, to sell and dispose of the unimproved Lands, or any Part thereof, in the said Districts, at public Vendue, he or they are hereby authorised to sell and dispose of the same at private Sale in the first Instance; first advertising in two of the public News-Papers of this State, for four Weeks, the Lands so intended for Sale, and the Times and Places when and where they will attend to treat for the Sale thereof.

Lands first to be put up at Vendue, and if the Commissioners think the Value is not bidden, they may adjourn the Sale, and after a second Trial may sell at private Sale.

Commissioners for Eastern and Western Districts, may sell at private Sale in the first Instance.

III. *And be it further Enacted by the Authority aforesaid*, That in Case any of the said forfeited Lands, Tenements or Hereditaments, shall appear to the said respective Commissioners to be legally charged or incumbered by Mortgage duly executed before the ninth Day of *July*, in the Year One Thousand Seven Hundred and Seventy-six, to or for the Use of any Person or Persons not attainted or convicted; the said respective Commissioners shall, in Manner aforesaid, sell and dispose of the Equity of Redemption of such mortgaged Premises only: That every Assignment by any Person or Persons, attainted or convicted as aforesaid, to a Person or Persons not attainted or convicted, of a Mortgage legally charged on any of the forfeited Lands, Tenements or Hereditaments aforesaid, by the Person under whose Attainder or Conviction the said Lands, Tenements or Hereditaments became forfeited, shall be deemed and adjudged to be good and valid: *Provided*, That it shall be proved, by competent Witnesses, to the Satisfaction of the Chancellor, or any of the Justices of the Supreme Court, that the said Assignment was duly executed in due Form of Law prior to the ninth Day of *July*, in the Year last aforesaid; and in such Case the said respective Commissioners shall, in like Manner, sell and dispose of only the Equity of Redemption of such mortgaged Premises: And where any such Lands, Tenements or Hereditaments, shall be claimed to stand charged and incumbered by Mortgage, made or executed between the said ninth Day of *July*, in the Year One Thousand Seven Hundred and Seventy-six, and the Time when, in Virtue of any Attainder or Conviction, the same became forfeited to the People of this State, it shall and may be lawful to and for the Chancellor of this State, and he is hereby authorised and required, on the Petition of the Commissioner or Commissioners having the Charge thereof on the Part of the State, and of the Claimant under such Mortgage or pretended Mortgage, or either of them, to proceed in a summary Way to enquire into the Merits of such Claim, and after hearing the Parties to make a final Decision thereupon; and if by such Decision the Mortgage shall be decreed to be valid, the Commissioner or Commissioners shall, in Manner aforesaid, sell and dispose only of the Equity of Redemption thereof: And all Mortgages made or executed by any Person or Persons attainted or convicted as aforesaid, to another Person in like Manner attainted or convicted, shall be, and hereby are declared to be, to all Intents, Constructions and Purposes, null and void; and it shall be lawful to and for the respective Commissioner or Commissioners, having the Care of any forfeited Lands,

Where forfeited Lands are mortgaged, Commissioners shall sell the Equity of Redemption only.

Assignments of such Mortgages deemed valid,

If executed prior to 9th *July*, 1776.

Where Lands are mortgaged after 9th *July*, 1776, the Chancellor to enquire into the Merits, and decide thereon.

Mortgages from one convicted or attainted Person to another convicted or attainted Person, declared void.

A.D. 1784. Inde. *U. S.* VIII.

Forfeited Lands, incumbered by Judgment, how to be ſold.

Tenements or Hereditaments, claimed to be ſubject to, or incumbered by ſuch Mortgage, to proceed to the Sale, Diſpoſal, Grant and Conveyance thereof, in the ſame Manner as he or they could or ought to have done, if no ſuch Mortgage ever had been made or executed; and if it ſhall appear to the ſaid Commiſſioner or Commiſſioners, that any forfeited Lands, Tenements or Hereditaments within his or their Diſtricts reſpectively, ſtand charged or incumbered by Judgment or Judgments legally obtained or recovered in any Court of Record, prior to the ſaid ninth Day of *July*, in the Year One Thouſand Seven Hundred and Seventy-ſix, by, at the Suit or for the Uſe of, any Perſon or Perſons not attainted or convicted as aforeſaid, ſuch Judgment or Judgments being in Force and Effect, and remaining unſatisfied, then, and in every ſuch Caſe, it ſhall and may be lawful to and for ſuch Commiſſioner or Commiſſioners reſpectively, and he and they are hereby authoriſed and required, to ſell, diſpoſe of, grant and convey, in Manner aforeſaid, all ſuch Lands, Tenements or Hereditaments, ſubject and liable to ſuch Judgment or Judgments, and Incumbrances.

Claim to forfeited Lands by Contract in Writing, for Purchaſe not completed, to be decided by the Chancellor,

IV. *And be it further Enacted by the Authority aforeſaid*, That whenever any Claim ſhall be made by a Perſon or Perſons, on any Lands, Tenements or Hereditaments, forfeited to the People of this State, by the Attainder or Conviction of any Perſon or Perſons, by Contract or Bargain, in Writing, for the Purchaſe of any ſuch Lands, Tenements and Hereditaments, made before the ninth Day of *July*, in the Year One Thouſand Seven Hundred and Seventy-ſix, and not carried into complete Execution, it ſhall and may be lawful to and for the Chancellor of this State, to proceed in a ſummary Way to enquire into the Merits of ſuch Claim, in like Manner as is directed in the preceding Section in Caſes of Mortgages, and to make a final Deciſion thereon; and in Caſe it ſhall be decreed that the whole purchaſe Money has been paid for any ſuch Lands, Tenements or Hereditaments, it ſhall be the Duty of the ſaid Commiſſioner or Commiſſioners, to give a Conveyance to the Claimant for the Premiſes; but if it ſhall be decreed that a Part only of the purchaſe Money has been paid by the Claimant, the ſaid Commiſſioner or Commiſſioners ſhall, on receiving the Sum ſo decreed to be due, if paid in Gold or Silver within three Months next after ſuch Decree, give a Deed or Conveyance for ſuch Lands, Tenements or Hereditaments, to ſuch Claimant: *Provided nevertheleſs*, That no Claim as aforeſaid, on any Lands, Tenements or Hereditaments, forfeited as aforeſaid, ſhall be admitted by the Chancellor, unleſs the ſame be made within ſix Weeks after the paſſing of this Act, or before the Lands, Tenements or Hereditaments on which ſuch Claim is made, are ſold by the ſaid Commiſſioner or Commiſſioners, and a Certificate thereof ſigned by the ſaid Commiſſioner or Commiſſioners, be produced to the ſaid Chancellor by the Claimant, certifying that the Lands, Tenements or Hereditaments, on which ſuch Claim is made, are not ſold.

And if purchaſe Money paid, Commiſſioners to give a Conveyance to the Claimant.

No ſuch Claim to be admitted, unleſs made in ſix Weeks, or before Sale.

What Kinds of Money and Certificates may be received in Payment for Lands ſold by this Act, and at what Rate.

V. *And be it Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioner or Commiſſioners to receive in Payment, for any Lands, Tenements or Hereditaments in and by this Act directed to be ſold, the following Species of Money, † Certificates and other paper ‡ Securities, except for the Payment of Lands, Tenements and Hereditaments herein after otherwiſe directed to be made; *that is to ſay*, Gold or Silver at its reſpective legal or current Value; Bills of Credit emitted in Purſuance of an Act of this State, entitled, (*a*) *An* Act *for emitting Monies upon the Credit of this State*, paſſed the 27th Day of *March*, in the Year 1781, for Gold or Silver; Bills of Credit emitted in Purſuance of an Act of this State, entitled, (*b*) *An*

(*a*) *4th Seſſ. Ch.* 46.

† Other Certificates made receivable, 9th Seſſ. Ch. 58. Sec. 1.

‡ No public Securities, except thoſe ſigned by the Treaſurer or Auditor, receivable on Sales of forfeited Eſtates, made after 21ſt *March*, 1788. See 11th Seſſ. Ch. 90. Sec. 3.

A. D. 1784.
Inde. U. S. VIII.

(b) *An* Act *approving of the Act of Congress of the* 18*th* March, 1780, *relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit to be emitted in Pursuance of the said Act of Congress*, passed *June* 15th, 1780; Bills of Credit emitted by the Authority of the Provincial Congress of this State, while it was a Colony, and by the Convention of this State, at the Rate of One Dollar in Silver for every One Hundred and Twenty nominal Dollars in such Bills; Bills of Credit emitted by the Authority of Congress, or of the United States of *America* in Congress assembled, at the Rate of One Dollar in Silver for every One Hundred and Twenty nominal Dollars in such Bills; Bills of Credit emitted by the Authority of the Legislature of the late Colony, now State of *New-York*, at the Rate of One Pound in Gold and Silver for every One Hundred and Twenty Pounds nominal Value in such Bills; Certificates issued by the Treasurer of this State, for Monies borrowed for the Use of this State, and directed to be paid by an Act, entitled, (c) *An* Act *to provide for the Payment of certain contingent Expences of this State*, passed the 25th Day of *October*, 1779, reduced to the Value of Gold or Silver by the Continental Scale of Depreciation; Certificates issued by the Agent of this State, in Pursuance of an Act, entitled, (d) *An* Act *to procure Supplies for the Use of the Army, and to prevent a Monopoly of Cattle within this State, and more effectually to prevent Supplies of Cattle to the Enemy*, passed the 24th Day of *June*, 1780; Certificates issued by the Treasurer of this State in Pursuance of an Act, entitled, (e) *An* Act *to provide for the Payment of certain Monies taken on Loan by this State*, passed the 30th Day of *June*, 1780, at the Rate of One Dollar in Silver for every Forty of the nominal Dollars specified in such Certificates; Warrants with Receipts thereon endorsed, given by Virtue of the Act, entitled, (f) *An* Act *to compleat the Continental Battalions, raised under the Direction of this State*, passed the 1st Day of *July*, 1780, at the Rate of One Dollar in Silver for every Bushel of Wheat specified in such Warrants; Certificates granted for Horses purchased by this State, for the Use of the Armies of the United States, in the Year One Thousand Seven Hundred and Eighty; Accounts liquidated and certified, or Certificates granted by the late Auditor-General of this State, or the Auditor of the State for the Time being, reduced to Specie Value (if not already so reduced) by the Continental Scale of Depreciation; Certificates issued by the Auditors appointed in Pursuance of the Act, entitled, (g) *An* Act *to liquidate and settle the Accounts of the Troops of this State in the Service of the United States*, passed the 4th Day of *October*, 1780; Certificates issued by the Continental Commissioner of Loans in this State, for Monies lent to the United States, reduced to their Value in Specie by the Continental Scale of Depreciation; Certificates given, or which may be given, by Virtue of the Act, entitled, (h) *An* Act *to empower the Auditors appointed to liquidate and settle the Accounts of the Troops of this State in the Service of the United States, to grant Certificates to the Troops of this State in the Service of the United States, for their Pay accrued for the Time therein mentioned*, passed at this present Meeting of the Legislature; Certificates given or to be given by the Continental Commissioner or Commissioners of Accounts within this State, for Services performed, or Articles delivered by the Inhabitants of this State for the Use of the United States; Certificates given or to be given by the Commissioners appointed by Virtue of (i) *An* Act *for the Appointment of Commissioners to procure Monies on Loan, and Clothing for the Use of this State*, passed the 7th of *March*, 1781; Certificates given or to be given by Virtue of (k) *An* Act *for the Settlement of the Pay of the Levies and Militia for their Services in the late War, and for other Purposes therein mentioned*, passed at this present Meeting of the Legislature; and that the Interest due, or to become due to the Time of Sale, shall be allowed to the Person or Persons so paying the same; and that all such of the said Notes, Certificates or Securities herein before mentioned, and which are not negotiable, shall be,

(b) 3*d Sess. Ch.* 64.

(c) 3*d Sess. Ch.* 31.

(d) 3*d Sess. Ch.* 69.

(e) 3*d Sess. Ch.* 73.

(f) 3*d Sess. Ch.* 78.

(g) 4*th Sess. Ch.* 7.

(h) 7*th Sess. Ch.* 19.

(i) 4*th Sess. Ch.* 20.

(k) 7*th Sess. Ch.* 45.

And the Interest due thereon to be allowed.

Certificates not heretofore negotiable, declared to be so hereafter.

A. D. 1784. Inde. *U. S.* VIII.

be, and hereby are declared to be negotiable from and after the paſſing of this Act, any Law to the Contrary in any wiſe notwithſtanding.

Amount of Payments in Bills emitted by Congreſs for Lands ſold, limited to a certain Sum.

VI. *And be it Enacted by the Authority aforeſaid*, That no greater or further Sum in Bills of Credit emitted by the Authority of Congreſs, or of the United States of *America* in Congreſs aſſembled, than the Sum of *Five Millions of Dollars*, in ſuch Bills, ſhall be received in Payment for the Lands, Tenements and Hereditaments directed to be ſold by this Act, and the Act, entitled, *An* Act *to encourage the Settlement of the Waſte and unappropriated Lands within this State*, paſſed at this preſent Meeting of the Legiſlature: And it is hereby made the Duty of the ſaid Commiſſioner and Commiſſioners, on the Receipt of any Sum in ſuch Bills, immediately to tranſmit an Account thereof to the Treaſurer, who is hereby directed, whenever he ſhall find that ſuch Bills which he may have in the Treaſury, together with the like Bills, which may be in the Hands of the ſaid Commiſſioner or Commiſſioners, will amount to the ſaid Sum of *Five Millions of Dollars*, to order the ſaid Commiſſioner and Commiſſioners not to receive any further Sums in ſuch Bills, which Order the ſaid Commiſſioner and Commiſſioners are to obſerve; and the ſaid Treaſurer ſhall not, after giving the ſaid Order, receive any further Sum in ſuch Bills, in Payment for Waſte and unappropriated Lands directed to be ſold, in and by the ſaid Act laſt recited.

Commiſſioner and Treaſurer's Duty, on Receipt of ſuch Bills.

Purchaſers to pay one Third of purchaſe Money down,

And the Remainder 1ſt *June*, 1785.

Altered, 8*th Seſſ. Ch.* 49. 9*th Seſſ. Ch.* 58. *Sec.* 13.

VII. *And be it Enacted by the Authority aforeſaid*, That whenever the ſaid Commiſſioner or Commiſſioners ſhall make Sale of any Lands, Tenements, or Hereditaments, by public Vendue or private Sale, the Perſon or Perſons to whom ſuch Sale ſhall be made, ſhall immediately pay unto the ſaid Commiſſioner or Commiſſioners, the one third Part of the purchaſe Money, and ſhall, with the ſaid Commiſſioner or Commiſſioners, reciprocally ſubſcribe a Memorandum or Note in Writing of ſuch Sale and Payment; and ſuch Perſon or Perſons ſhall, on or before the firſt Day of *June*, in the Year One Thouſand Seven Hundred and Eighty-five, pay the remaining Sum due on ſuch Sale mentioned in the ſaid Memorandum or Note; upon which laſt Payment, ſuch Perſon or Perſons, or his, her or their legal Repreſentatives, ſhall be entitled to Deeds and Conveyances for the Lands, Tenements or Hereditaments by him or them ſo purchaſed; and if the ſaid laſt Payment be in Certificates or other paper Securities bearing an Intereſt, no Intereſt ſhall be allowed or reckoned thereon, other than ſuch as had accrued at the Time of the Sale of the Lands, Tenements or Hereditaments aforeſaid; and in Caſe ſuch laſt Payment ſhall not be paid within the Time above mentioned, the ſaid one third Part of the purchaſe Money paid to the ſaid Commiſſioner or Commiſſioners, ſhall be forfeited to the People of this State; and the ſaid Lands, Tenements or Hereditaments, ſhall be again ſold at public Vendue or private Sale, in the Manner by this Act directed.

On Failure of Payment on the given Day, the firſt Payment to be forfeited, and the Lands ſold again.

Monies and Certificates received to be tranſmitted to the Treaſurer by Commiſſioners, who are to account every ſix Months.

VIII. *And be it Enacted by the Authority aforeſaid*, That it ſhall be the Duty of the ſaid Commiſſioner or Commiſſioners, and they are hereby required, from Time to Time, to tranſmit to the Treaſury all ſuch Species of Money, Certificates and other paper Securities, as he or they may receive in Payment for the Lands, Tenements or Hereditaments directed to be ſold by this Act; and ſhall, once in every ſix Months, account with the Treaſurer for all ſuch Monies, Certificates and other paper Securities by him or them received in Purſuance thereof.

IX. AND *whereas* certain Lands, Tenements and Hereditaments which have become forfeited, and veſted in the People of this State, are charged with the Redemption of certain Bills of Credit emitted purſuant to the Acts herein after mentioned; *And whereas* the Lands, Tenements and Hereditaments

ſo

A. D. 1784.
Inde. U. S. VIII.

so charged in the Southern District, are amply sufficient to redeem the whole of the said Bills now in Circulation; *Be it therefore Enacted by the Authority aforesaid*, That so much of the confiscated Estates in the Southern District of this State, as are charged with the Redemption of the Bills of Credit emitted in this State, pursuant to an Act, entitled, *An Act approving of the Act of Congress of the 18th of* March, 1780, *relative to the Finances of the United States, and making Provision for redeeming the Proportion of this State of the Bills of Credit to be emitted in Pursuance of the said Act of Congress*; and of the Bills of Credit emitted pursuant to an Act, entitled, *An Act for emitting Monies upon the Credit of this State*, passed 27th of *March*, 1781, as will amount to the Value of the said Bills of Credit now in Circulation, with the Interest due or to become due thereon, shall be sold by the Commissioners of Forfeitures for the Southern District, and in the Manner directed by the second Section of this Act; and that Gold or Silver, and the said Bills of Credit only shall be received in Payment for the Lands, Tenements or Hereditaments so to be sold; and that the said Commissioners shall, by Advertisement to be published for Eight Weeks successively, in two or more of the News-papers to be printed in this State, describe the Lands, Tenements or Hereditaments so by them to be sold, and mention the Day or Days on which such Lands, Tenements or Hereditaments will be exposed to Sale; and the Treasurer of this State is hereby required to furnish the said Commissioners with an Account of the Amount of all the said Bills of Credit in Circulation, with the Interest due thereon, to enable the said Commissioners to estimate the Amount which will probably be necessary to redeem the said Bills: That if the Whole of the said Bills shall not be received in Payment for the Lands, Tenements and Hereditaments so to be sold for their Redemption, the Gold and Silver arising from such Sales, shall be, and hereby is appropriated to the Redemption of such of the said Bills as may not have been paid in on such Sales. *And to the End* that all the said Bills of Credit may be taken out of Circulation, and the State relieved from the Interest accruing thereon, it shall be the Duty of the Treasurer, as soon as he shall be vested with such a Sum of Money in Gold or Silver, arising from such Sales as aforesaid, as he shall deem sufficient to redeem the said Bills, to give Notice thereof in two or more of the public News-papers printed in this State, requiring all Holders of such Bills to bring the same to the Treasury for Redemption, on or before a Day to be mentioned in such Notice, not less than Fifty Days from the Date of such Notice; and if any such Bills shall remain in Circulation after the said Day, the Interest thereon shall cease from and after such Day, unless such Bills should thereafter be paid for the Purchase of unappropriated Lands, or confiscated and forfeited Lands, Tenements or Hereditaments, in which the Interest shall be allowed to the Day of Payment; any Thing in this Clause to the Contrary notwithstanding.

How, for what, and how much of the Lands mortgaged for redeeming the new Emission, are to be sold.

Commissioners to advertize for eight Weeks.

Treasurer to give them an Account of the Amount of new Emission in Circulation.

If the Whole is not received in Payment for the Lands sold, the Rest to be redeemed with the Gold and Silver arising by such Sales.

When the Treasurer is to advertise requiring the Holders of the Bills to bring them to the Treasury for Redemption.

The Interest on Bills remaining after the Day notified, to cease, except when paid for confiscated or unappropriated Lands.

X. *And be it further Enacted by the Authority aforesaid*, That all the other Lands, Tenements and Hereditaments charged with the Redemption of the said Bills of Credit, other than those which are to be sold for the Redemption aforesaid, shall be, and hereby are declared subject to Sale, in like Manner as other Lands, Tenements and Hereditaments not so charged, are subject to by this Act; any Thing in the said two last recited Acts to the Contrary notwithstanding.

Residue of the mortgaged Lands to be sold as other Lands.

XI. And *whereas* the Lands, Tenements and Hereditaments which have become forfeited to the People of this State, in the Southern District, were not subject to Sale for Certificates granted in Pursuance of the Act, entitled, † *An Act to liquidate and settle the Accounts of the Troops of this State in the Service of the United States*, passed the 4th Day of *October*, 1780, so long as the same should remain within the Power of the Enemy; *And whereas* by a subsequent ‡ Act of this State, the Commissioners of Forfeitures for the Southern

† *4th Sess. Ch. 7.*

‡ *5th Sess. Ch. 45. Sec. 4.*

A.D. 1784. Inde. *U. S.* VIII.

Southern Diſtrict were inhibited from ſelling the ſaid Lands, Tenements and Hereditaments until the further Order of the Legiſlature; *Be it therefore Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Commiſſioners of Forfeitures in the Southern Diſtrict, and for the Commiſſioner or Commiſſioners of Forfeitures reſpectively, in the other great Diſtricts of this State, to ſell Lands, Tenements or Hereditaments, for Certificates granted in Purſuance of the ſaid Act, paſſed the 4th Day of *October*, 1780, or in Purſuance of any other Acts authoriſing the granting of Certificates for Depreciation of Pay, and in the Manner preſcribed by the ſaid Act, except as to the Time of Payment, other than Lands, Tenements and Hereditaments which are or were charged with the Redemption of the Bills of Credit, commonly called the New Emiſſion, any Law to the Contrary notwithſtanding. *Provided always*, That Applications for the Purchaſe of ſuch Lands, Tenements and Hereditaments, by Holders of ſuch Certificates as aforeſaid, ſhall be made within the Space of *ſixty* Days next after the paſſing of this Act; and if ſuch Application ſhall not be made before the Expiration of the ſaid Term, the Holders of ſuch Certificates ſhall be precluded from any future Purchaſes, agreeable to the ſaid Act paſſed the 4th of *October*, 1780; but ſhall, nevertheleſs, at any Time thereafter, be entitled to receive the full Value of the ſame in Specie, with the Intereſt which may be due thereon, according to the Tenor of ſuch Certificate: And it ſhall and may be lawful to and for the ſaid Commiſſioner or Commiſſioners, to ſell, in the Manner preſcribed in and by the ſaid Act of the 4th of *October*, 1780, except as to the Time of Payment, and for the Certificates granted in Purſuance of that Act, or other Acts authoriſing the Granting of Certificates for Depreciation of Pay, any Lands, Tenements or Hereditaments which may be veſted in the People of this State, by the Attainder or Conviction of any Perſon or Perſons, and which may be in common and undivided, other than the Lands, Tenements and Hereditaments charged with the Redemption of the Bills of Credit, commonly called the New Emiſſion, as above mentioned, in Caſe ſuch Commiſſioner or Commiſſioners ſhall deem it expedient for the Intereſt of the State, to ſell ſuch undivided Lands, Tenements and Hereditaments; and in Caſe the ſaid Commiſſioner or Commiſſioners ſhall deem it neceſſary to cauſe a Diviſion or Partition of ſuch undivided Lands, Tenements or Hereditaments to be made, in order to diſpoſe of the ſame, it ſhall be lawful for the ſaid Commiſſioner or Commiſſioners, after a Diviſion or Partition of ſuch Lands, Tenements or Hereditaments ſhall be made as herein is after directed, to ſell the Eſtate which may be found to belong to the People of this State, in the ſame, in the Manner, and for the Certificates laſt aforeſaid. *Provided*, That Application for the Purchaſe of ſuch Lands, Tenements or Hereditaments, by the Holders of ſuch Certificates, is made within *ſixty* Days next after ſuch Diviſion ſhall have taken Place.

Commiſſioners to ſell forfeited Lands for Certificates given for Depreciation of pay;

Lands mortgaged for the New Emiſſion excepted.

Holders of Military Certificates not applying for Purchaſe in ſixty Days after the paſſing of this Act, to be precluded;

But ſhall receive their Value in Specie.

Commiſſioners Duty as to Mode of Sale.

Undivided Lands how to be ſold.

XII. *And provided further, and be it Enacted by the Authority aforeſaid*, That any Lands, Tenements or Hereditaments that ſhall be located as aforeſaid, within either of the ſaid Terms of *ſixty* Days, ſhall be appraiſed at ſuch Price as the Appraiſers ſhall deem to be the Value thereof at the Time of ſuch Appraiſement; and upon ſuch Appraiſement being completed, the Perſon or Perſons who located or applied for the ſame, ſhall, within two Days, deliver to the Commiſſioner or Commiſſioners of the Diſtrict, ſuch Certificates as above mentioned, in Addition to the Depoſit made at the Time of Location, as will amount to the Sum of ſuch Appraiſement; and if the Commiſſioner or Commiſſioners of the Diſtrict can, within ten Days after the Receipt of ſuch Certificates, ſell or diſpoſe of the ſame located and appraiſed Lands, Tenements or Hereditaments, for any larger Sum in Specie, than the Amount of the Appraiſement, he or they may ſell or diſpoſe of the ſame, and ſhall, in ſuch Caſe, within the ſame Time, pay to the Owner of the Certificates who had ſo located thereon, the Amount of the Appraiſement.

Amount of Appraiſement of located Lands to be delivered in two Days after ſuch Appraiſement, to the Commiſſioners, who may ſell ſaid Lands within ten Days, for a higher Sum in Specie,

And pay the Owner of the Certificates the Amount of the Appraiſement.

XIII. *And*

A. D. 1784. Inde. U. S. VIII.

XIII. *And be it further Enacted by the Authority aforeſaid*, That where any Lands, Tenements or Hereditaments are become forfeited to the People of this State, by the Attainder or Conviction of any Perſon or Perſons, and are held by Leaſes in Fee, Leaſes for Lives, Leaſes for Years, or by Parol Leaſes granted, or made by any Perſon or Perſons in whom ſuch Eſtates were veſted at the Time of their being forfeited as aforeſaid, or made by any Perſon or Perſons, under whom Perſons attainted or convicted derived Eſtate in Fee, or for Life in the ſame, the ſaid Commiſſioner or Commiſſioners ſhall give the Pre-emption of Purchaſe of ſuch Lands, Tenements and Hereditaments, to ſuch Tenant or Tenants, on ſuch Terms and Conditions as the ſaid Commiſſioner or Commiſſioners ſhall deem, in Equity and good Conſcience, to be the Value thereof: And if ſuch Tenant or Tenants ſhall refuſe or neglect to purchaſe the ſame, the Commiſſioner or Commiſſioners ſhall proceed to ſell the Reverſion thereof, in the Manner directed in and by the ſecond Section in this Act. *Provided always*, That no Perſon ſhall derive any Advantage of Pre-emption as aforeſaid, unleſs he ſhall produce to the ſaid Commiſſioner or Commiſſioners, ſuch Certificate as is directed by the Nineteenth Section of the Act, entitled, ‡ *An* Act *for the Forfeiture and Sale of the Eſtates of Perſons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Reſpect to all Property within the ſame*, paſſed the 22d of *October*, 1779.

A Pre-emption of Purchaſe given to Tenants of forfeited Eſtates.

Proviſo, Reſtricting Pre-emption to certain Characters.

‡ 3d Seſſ. Ch. 25.

XIV. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioner or Commiſſioners of Forfeitures, to be appointed by Virtue of this Act, ſhall not be authoriſed to ſell Lands, Tenements, Hereditaments or real Eſtate, in larger Parcels than the Quantity of Five Hundred Acres in each Parcel, unleſs in ſuch particular Caſes wherein the Commiſſioner or Commiſſioners ſhall deem it beneficial to the State to ſell a larger Tract; and that the Sales at public Vendue ſhall be made in the County where the Lands, Tenements, Hereditaments or real Eſtates to be ſold, reſpectively do lie.

Not more than 500 Acres to be ſold in one Parcel, unleſs the Commiſſioners deem it beneficial to ſell a larger Tract.

Sales at public Vendue to be in the County where the Lands lie.

XV. AND *whereas* ſeveral Lands, Tenements, Hereditaments and real Eſtates, were, at the Time of paſſing of the Act, entitled, *An* Act *for the Forfeiture and Sale of the Eſtates of Perſons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Reſpect to all Property within the ſame*, paſſed the 22d Day of *October*, in the Year 1779, and ſince the paſſing thereof, veſted in the People of this State, by the Attainder and Conviction of divers Perſons, who claimed an Intereſt in the ſame, as Tenants in common, in *fee ſimple*, with divers other Perſons; *And whereas* it is proper that ſome Mode be provided for the more ready and ſpeedy Partition of ſuch Lands, Tenements and Hereditaments, between the People of this State and the ſaid other Perſons; to the End that the divided Share and Intereſt of the People of this State in the ſame may, on ſuch Partition as may hereafter be made, be more readily diſpoſed of; *Be it therefore Enacted by the Authority aforeſaid*, That the Commiſſioner or Commiſſioners to be appointed in Manner above mentioned, for the Sale, in each Diſtrict of this State, of all Lands, Tenements and Hereditaments lying in ſuch Diſtricts reſpectively, ſhall, as ſoon as may be after their Appointment and Qualification as herein after mentioned, reſpectively publiſh, in at leaſt two of the public News-papers of this State, an Advertiſement, notifying to all Perſons intereſted in the Lands intended to be divided, and therein to be deſcribed, requiring them, and each and every of them, to be and appear on a certain Day, and at a certain Place in the County wherein the Lands to be divided do lie, which Day ſhall not be ſooner than Six Weeks after the Date of the ſaid Advertiſement, requiring ſuch Perſons to appear, either by themſelves or their Attornies, ſufficiently authoriſed for the Purpoſe, at ſuch Time and

Partition of Lands between the People of this State, and others intereſted in them, how to be made.

A. D. 1784. Inde. U. S. VIII.

and Place aforeſaid, to agree with the ſaid Commiſſioner or Commiſſioners, or Perſons to be appointed by Conſent of the ſaid Commiſſioner or Commiſſioners, and the ſaid Perſons who ſhall ſo attend at the ſaid Meeting, by themſelves or their Attornies, as Agents, to make Partition and Diviſion of the ſaid Lands, Tenements and Hereditaments; and in Caſe the ſaid Commiſſioner or Commiſſioners, and the ſaid other Parties who ſhall attend in Manner aforeſaid, ſhall agree on the Appointment of ſuch Agents, they the ſaid Commiſſioner or Commiſſioners, and the ſaid other Parties ſo attending as aforeſaid, ſhall reduce the ſaid Agreement and Appointment to writing, and ſeverally and reſpectively ſubſcribe the ſame with their Names, in the Preſence of two or more credible Witneſſes, who ſhall alſo ſubſcribe their Names as Witneſſes thereto; which ſaid Agreement and Appointment, being duly acknowledged by the ſaid Commiſſioner or Commiſſioners, and the ſaid other Parties, or duly proved by one or more of the ſaid Witneſſes, before one of the Judges of the Inferior Court of Common Pleas of the County in which the Lands intended to be divided do lie, ſhall be recorded in the County Records of ſuch County, which ſhall fully authoriſe the ſaid Agents, or any two of them, or the Survivor of them, to proceed to a fair and equal Partition and Diviſion of ſuch Lands, Tenements and Hereditaments, firſt appointing a Surveyor or Surveyors, if neceſſary, to enable them to perform the Service hereby required of them: That previous to the making of ſuch Partition and Diviſion as aforeſaid, the ſaid Agents, or any two of them, ſhall thoroughly explore the Premiſes to be divided, and make, or cauſe to be made, an accurate Survey of the ſame, and run out and divide the ſame into ſuch different Allotments as will be beſt calculated moſt equally to divide the ſame, according to Quantity and Quality, among and between the People of this State and the ſaid other Parties, ſo as to veſt the People of the State and the ſaid other Parties ſeverally and reſpectively, with their ſeveral and reſpective divided Shares and Parts of and in the ſame; and that the ſaid Allotments and divided Shares, which ſhall thereupon fall to the ſaid other Parties ſeverally and reſpectively, in Severalty in *fee ſimple*, ſhall veſt in them ſeverally and reſpectively, and their ſeveral and reſpective Heirs and Aſſigns forever; and ſhall, on the Completion of the ſaid Partition and Diviſion, make or cauſe to be made two accurate Maps and Field Books thereof, and ſubſcribe the ſame with their ſeveral Names, and cauſe one of the ſaid Maps and Field Books to be filed in the Office of the Clerk of the County wherein the Lands do lie, and the other Map and Field Book in the Office of the Secretary of this State, which ſhall be and remain as full and concluſive Evidence, in all Courts of Law and Equity within this State, of ſuch Partition and Diviſion as aforeſaid, as if the ſame had been made according to the due and ordinary Courſe of common Law; any Thing in any former Law, Uſage or Cuſtom to the Contrary thereof notwithſtanding.

Maps and Field Books to be made and filed in two Offices.

If any Party neglects,

Certain Judges are to appoint the Agents for making the Partition;

XVI. *And be it further Enacted by the Authority aforeſaid*, That in Caſe the ſaid other Parties, or any of them, ſhall neglect to attend at ſuch Time and Place of Meeting as aforeſaid, or attending, ſhall not agree with the ſaid Commiſſioner or Commiſſioners in the Appointment of ſuch Agents as aforeſaid, that then and in ſuch Caſe, it ſhall and may be lawful for the ſaid Commiſſioner or Commiſſioners, upon due Proof thereof to be made before one of the Judges of the Inferior Court of Common Pleas of the County wherein the Lands intended to be divided do lie, not intereſted in the ſaid Lands, ſuch Judge ſhall, without Delay, proceed to appoint ſuch Agents for the Purpoſe aforeſaid, as he ſhall think proper, by Writing under his Hand and Seal; which Appointment ſhall be recorded by the Clerk of the County in the County Records; and the Original thereof ſhall be alſo filed in the ſaid Clerk's Office; which ſaid Record or Original ſhall be full and concluſive Evidence of ſuch Appointment, in all Courts of Law and Equity within this

Which Appointment ſhall be recorded, and the Record or Original to be concluſive Evidence.

State;

A. D. 1784. Inde. U. S. VIII.

State; and the said Agents, so to be appointed by the said Judge, shall, and are hereby authorised to do, execute and perform all and singular the Services and Duties herein appointed and prescribed to be done by the Agents above mentioned, as if they had been nominated and appointed by the Consent of Parties, in Manner aforesaid.

Previous to any Division, a Quantity of undisputed Lands to be set apart and sold for defraying Expences.

XVII. *And be it further Enacted by the Authority aforesaid*, That the said Agents, whether appointed by the Consent of the said Commissioner or Commissioners, and the other Parties, or by such Judge as aforesaid, shall, previous to any Division to be made by them, lay out and set apart a sufficient Quantity in the undisputed Parts of the said Lands, Tenements and Hereditaments so to be divided, to defray the Expence of such Partition and Division as aforesaid; which they shall sell and dispose of at public Vendue, in the County wherein the same shall lie, upon giving six Weeks previous Notice thereof, in at least two of the public News-Papers of this State, after the Partition and Division shall be completed; and shall make, and in due Form of Law execute good and sufficient Conveyances in the Law, to vest the same to and in the Purchaser and Purchasers respectively, and their Heirs and Assigns forever, as of a good, sure, perfect, absolute and indefeasable Estate of Inheritance in the Law in *Fee simple*; and upon Completion of the Partition and Division aforesaid, and filing such Maps and Field Books as above directed, give public Notice, at least six Weeks successively, in two or more of the public News-Papers of this State, that at a certain Day thereafter, and at a certain Place in the County where the Lands lie, to be therein mentioned, they intend that the Allotments shall be ballotted for in the Presence of such of the said Commissioner or Commissioners, and the said other Parties interested, as shall attend the same; and upon completing such Ballotting as aforesaid, shall note and mark, on the said Maps and Field Books, the Result of such Ballotting, as well as the Lands laid out by them, to be sold for the defraying the Expences of the Partition and Division, as also to ascertain, by Name or Names, what Allotments respectively fall to the Right of the People of this State, and the said other Parties interested in the said Lands, Tenements and Hereditaments respectively.

Six Weeks Notice of balloting for Allotments to be given.

Balloting completed, the Result to be noted.

Different Allotments of disputed and undisputed Land to be made.

XVIII. *Provided always, and be it further Enacted*, That in order to make such Partition and Division more equable, in Case of any Disputes concerning the Extent of the Boundaries of the said Lands, Tenements and Hereditaments as aforesaid, the said Agents shall, in every such Case, make different Allotments of disputed and undisputed Lands, which shall be noted and marked in such Maps and Field Books as aforesaid.

Allowance for Services, exclusive of necessary Expences,

XIX. *And be it further Enacted by the Authority aforesaid*, That the said Agents and their Surveyor, Chain-bearers and other necessary Attendants, shall, over and above their necessary Expences, be allowed to have and receive out of the Sale of the Lands, Tenements and Hereditaments set apart for defraying the Expences of the Partition and Division, at and after the Rates following, *to wit*: The Agents *Twenty Shillings* each per Day; the Surveyor *Twenty Shillings* per Day; each Chain-bearer and necessary Attendants, *Six Shillings* per Day, for each Day they shall severally be actually employed in such Partition and Division as aforesaid, and the Completion thereof: That upon the Completion of the Sales of the Lands, Tenements and Hereditaments so to be set apart for defraying the Expences of such Partition and Division as aforesaid, the said Agents shall make up and render in Writing, an Account of the Expences of such Partition and Division as aforesaid, on Oath, before one of the Judges of the Inferior Court of the County wherein the said divided Lands, Tenements and Hereditaments do lie; which Account, together with the Balance, if any shall

To Agents 20s. to Surveyor 20s. and to others 6s. per Day.

Agents to render Account of Expences of the Partition, and deposit such Account, with the Balance, if any, with the County Clerk,

A. D. 1784. Indp. *U. S.* VIII.

remain in their Hands, ſhall be depoſited in the Office of the Clerk of the ſaid County, and the Clerk ſhall, from Time to Time, on Application, pay and diſtribute ſuch Surplus among the reſpective Proprietors, and in the reſpective Proportions which ſhall be aſcertained by a View of the reſpective Rights and Allotments in ſuch Partition and Diviſion as aforeſaid; the ſaid Clerk retaining in his Hands at and after the Rate of *Five per Cent.* *Provided always nevertheleſs*, That it ſhall and may be lawful for the ſaid Commiſſioner or Commiſſioners, to ſell the Eſtate which is veſted in the People of this State, in any ſuch undivided Lands, Tenements or Hereditaments, without cauſing a Diviſion thereof to be made as is above directed, in Caſe he or they ſhall deem the Sale of ſuch undivided Eſtate expedient.

Who is to pay the ſaid Surplus among the Proprietors,

Retaining 5 per *Cent.*

Commiſſioners may ſell the State's Property in undivided Lands, without a Diviſion.

XX. *And be it further Enacted by the Authority aforeſaid*, That all and ſingular the Powers and Authorities veſted in, and given to the ſeveral and reſpective Commiſſioners of Sequeſtration, by any former Law or Laws of this State, ſhall be, and hereby are abſolutely repealed, annulled and made void, to all Intents, Conſtructions and Purpoſes whatſoever; any Thing in any of the ſaid Laws to the Contrary thereof in any wiſe notwithſtanding.

Powers of Commiſſioners of Sequeſtration repealed.

See 3d Seſſ. Ch. 52.

XXI. *Provided always, and it is hereby Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners of Sequeſtration reſpectively, and their ſeveral and reſpective Executors and Adminiſtrators, ſhall be accountable for the due Execution of their reſpective Offices, in the Manner directed and to be directed by any Law or Laws of this State, prior or ſubſequent to the paſſing of this Act; ſaving nevertheleſs to the Tenants to whom the ſaid Commiſſioners of Sequeſtration have demiſed any forfeited Eſtates for Terms not exceeding one Year, the Reſidue of their ſaid reſpective Terms.

Said Commiſſioners to be accountable.

See 8th Seſſ. Ch. 18. *Sec.* 26.

XXII. *Provided further, and be it Enacted by the Authority aforeſaid*, That the Monies which have ariſen from the Sales of ſequeſtered Property, made by the Commiſſioners in the reſpective Counties within this State, by Virtue of any former Law or Laws of this State, ſhall be, and hereby are declared to belong to the People of this State.

Monies ariſing from the Sale of ſequeſtered Property, to belong to the State.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That all Forfeitures and Confiſcations of the Lands, Tenements, Hereditaments and real Eſtate which heretofore have been, by Virtue of any former Law or Laws of this State, againſt any Perſon or Perſons whomſoever, on Conviction for adhering to the late Enemies of this State, or of this and the other United States of *America*, is, and are hereby, to all Intents, Conſtructions and Purpoſes in the Law whatſoever, fully and abſolutely ratified and confirmed, notwithſtanding any Error or Errors in the Proceedings thereon, or in any wiſe relating thereto, and all Writs of Error and Errors on any Judgment heretofore rendered relating thereto, are hereby for ever barred.

All Forfeitures and Confiſcations confirmed,

Notwithſtanding Errors in the Proceedings.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That all Purchaſes made at Vendue, or otherwiſe, by the ſaid Commiſſioner or Commiſſioners of Forfeitures to be appointed by Virtue of this Act, of any Lands, Tenements or Hereditaments, forfeited to the People of this State, or any or either of them, or by any other Perſon to or for the Uſe of them, or any or either of them, ſhall be null and void.

All Purchaſes, directly or indirectly made by the Commiſſioners, to be void.

XXV. *And be it further Enacted by the Authority aforeſaid*, That each of the Commiſſioners of Forfeitures to be appointed by Virtue of this Act, before he enters upon the Execution of his Office, ſhall appear before one of the Judges of the Inferior Court of any of the Counties within the Diſtrict for which ſuch Commiſſioner ſhall be appointed, and take and ſubſcribe the following

Commiſſioners to take an Oath.

lowing Oath, which such Judge is hereby authorised and required to administer, *viz.*

Form of Oath.

I *appointed a Commissioner of Forfeitures for the District, do solemnly and sincerely swear and declare, in the Presence of Almighty God, That I will faithfully and honestly execute the said Office in such Manner as I shall conceive most for the Benefit and Advantage of the People of this State, according to the true Intent and Meaning of an Act, entitled,* An *Act* for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned.

Abstracts of Sales to be made by the Commissioners,

XXVI. *And be it further Enacted by the Authority aforesaid,* That the said Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, shall make an Abstract of all the Sales by them made within their respective Districts, to contain the Names of the respective Purchasers, the Descriptions of the respective Estates by them sold, the Sums for which the same were respectively sold, the Dates of the respective Conveyances, and the Names of the several Persons to whom the several Estates immediately before the Forfeiture thereof were deemed to belong; and shall, at the End of every three Months, file Copies of such Abstracts in the Office of the Clerk of the County wherein the Lands, Tenements, Hereditaments and real Estates by them sold, respectively do lie; and the Clerks of the respective Counties within this State, shall record such Abstracts in a Book or Books by him to be provided for that Purpose, and for which recording the several Clerks shall be allowed at and after the Rate of *One Shilling* and *Six-pence* per Folio, of One Hundred and Twenty-eight Words, to be paid by the Treasurer of this State, out of any public Monies which shall, from Time to Time, be in his Hands unappropriated, on Certificates to be granted for the same by the said Commissioner or Commissioners.

And filed every three Months,

And recorded in the County Clerk's Office.

Their Allowance.

Sales and Impediments to be reported to the Governor.

XXVII. *And be it further Enacted by the Authority aforesaid,* That the Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, shall, from Time to Time, make Report to the Person administring the Government of this State, of the Sales by them respectively made, and of the Impediments and Difficulties which may arise in the Execution of their said Office, to be communicated to the Legislature.

Rents of forfeited Estates to be collected by the Commissioners.

How they shall prosecute to recover them.

XXVIII. *And be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for the Commissioner or Commissioners of Forfeitures to be appointed by Virtue of this Act, in the respective Districts for which they shall be appointed, to collect and receive all Rents due from Tenants on any of the forfeited Estates, until the Time of Sale thereof, and to commence and prosecute, in their own Names, any Action or Actions in *Assumpsit,* for the Recovery of such Rents, with Costs, against any Person or Persons from whom such Rents are, were or shall become due or owing, or their respective Executors or Administrators, upon a *quantum valerint,* for the Use and Occupation of the Lands, Tenements and Hereditaments possessed by the said Persons respectively; and upon the Trial the Jury shall find a Verdict for the Plaintiffs, for such Sum as shall be proved to them would have been a reasonable Rent for such Lands, Tenements and Hereditaments, during the Time they were possessed by the Defendant or Defendants; so as the Damages to be assessed shall not exceed the whole Value of the Rent which the Defendant or Defendants shall prove to have been reserved and to have become due, while such Defendant or Defendants was or were in Possession of such Lands, Tenements or Hereditaments, and to be then unpaid.

Bills in Chancery to be filed for compelling a Discovery of Rent.

XXIX. *And be it further Enacted by the Authority aforesaid,* That it shall be lawful for the said Commissioner or Commissioners of Forfeitures, in their Discretion,

A. D. 1784. Inde. *U. S.* VIII.

Diſcretion, to file Bills in Chancery, in their own Name or Names, againſt any Perſon or Perſons, to compel a Diſcovery of ſuch Rent; that whenever it ſhall appear to the Commiſſioner or Commiſſioners of Forfeitures, that any Lands, Tenements or Hereditaments, the Arrearages of Rents on which ſhall be due to the People of this State, have been ſubject to the Incurſions and Depredations of the Enemy in the late War, and the Poſſeſſors thereof have thereby been prevented from enjoying the Profits of ſuch Lands, Tenements or Hereditaments, and any Diſpute ſhall ariſe between the ſaid Commiſſioner or Commiſſioners and the Poſſeſſors of ſuch Lands, Tenements or Hereditaments, reſpecting the Abatement which ought to be made in Conſequence of the Premiſes aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioner or Commiſſioners to refer ſuch Diſpute to be determined by Arbitrators. And the ſaid Commiſſioner or Commiſſioners ſhall pay all ſuch Rents by them received into the Treaſury of this State.

Abatement, when and how to be made on Arrearages of Rent.

XXX. And *whereas* in many Inſtances Perſons have poſſeſſed themſelves of Lands, Tenements and Hereditaments, forfeited to the People of this State, to the great Injury of the Public; *Be it further Enacted by the Authority aforeſaid*, That where any Perſon or Perſons ſhall have become poſſeſſed of Lands, Tenements and Hereditaments, forfeited to the People of this State, by the Attainder and Conviction of any Perſon or Perſons whomſoever, it ſhall be lawful for the ſaid Commiſſioner or Commiſſioners of Forfeitures to be appointed by Virtue of this Act, for the Diſtrict where ſuch Lands, Tenements and Hereditaments do lie, in his or their own Name or Names, to proceed againſt the Perſon or Perſons ſo in Poſſeſſion as firſt above mentioned, upon the Statutes of forcible Entry and Detainer; and if it ſhall appear in Evidence to the Inqueſt, that the ſaid Lands, Tenements or Hereditaments, on the ninth Day of *July*, in the Year One Thouſand Seven Hundred and Seventy-ſix, or at any Time ſince, were poſſeſſed by the Perſon or Perſons, by the Attainder or Conviction of whom the ſaid Lands were deemed to become forfeited, or by the Tenant of ſuch Perſon or Perſons, who claims by Demiſe from the Perſon or Perſons ſo attainted or convicted, made after his, her or their Attainder or Conviction; and if poſſeſſed by a Tenant or Tenants in Virtue of a Demiſe before ſuch Attainder or Conviction, that the Term of ſuch Tenant is expired; and if the Defendant or Defendants ſhall not thereupon prove, to the Satisfaction of the Inqueſt, that the Perſon or Perſons ſo attainted or convicted did, ſince the ſaid 9th Day of *July*, 1776, and before the Time to which the Attainder or Conviction of the ſaid Perſon or Perſons ſhall relate, convey the ſaid Lands, Tenements and Hereditaments to the ſaid Defendant or Defendants, or to the Perſon or Perſons under whom he, ſhe or they doth or do claim, that the Inqueſt ſhall thereupon find the forcible Entry and Detainer againſt ſuch Defendant or Defendants, and the Seiſin in Fee of ſuch Commiſſioner or Commiſſioners of Forfeitures as aforeſaid, as on the Day of ſuch Attainder or Conviction as aforeſaid; and if ſuch Inquiſition ſhall be traverſed, and ſuch Matters as laſt aforeſaid ſhall appear in Evidence, on the Part of the People of this State, the Jury ſhall find a Verdict againſt the Defendant. That where any Perſon or Perſons ſhall ſo have entered upon Lands, Tenements or Hereditaments as aforeſaid, and ſhall not deliver Poſſeſſion of the Lands, Tenements or Hereditaments, ſo by him, her or them poſſeſſed, when thereunto required by the ſaid Commiſſioner or Commiſſioners of Forfeitures, or any or either of them, and Proceedings thereupon be had againſt ſuch Perſon or Perſons, upon the Statutes of forcible Entry and Detainer; and if the ſaid Commiſſioner or Commiſſioners of Forfeitures ſhall, in Conſequence of ſuch Proceedings, obtain Poſſeſſion of ſuch Lands, Tenements and Hereditaments, the ſaid Commiſſioner or Commiſſioners of Forfeitures ſhall recover the Coſts and Expence of ſuch Proceedings, before any Juſtice of

Perſons poſſeſſing forfeited Lands, and to the Injury of the State,

May be proceeded againſt on the Statutes of forcible Entry and Detainer.

What Evidence ſufficient.

Commiſſioners obtaining Poſſeſſion, to recover Coſts.

A.D. 1784. Inde. *U. S.* VIII.

of the Peace within this State, the Juriſdiction of which Juſtice is hereby extended to ſuch Suits, notwithſtanding the Sum in Demand may exceed the Value of the Sum to which the Juriſdiction of a Juſtice of the Peace may be limited by any Law of this State; and that in Caſe the ſaid Commiſſioner or Commiſſioners of Forfeitures ſhall think proper to ſell and diſpoſe of any forfeited Lands, Tenements or Hereditaments, ſo poſſeſſed as laſt mentioned, the Purchaſer or Purchaſers thereof ſhall, and are hereby entitled to have the ſame Benefit in all Things of the Statutes of forcible Entry and Detainer, as the ſaid Commiſſioner or Commiſſioners of Forfeitures are herein above entitled to; and no Writ of *Certiorari* ſhall lie in any of the Caſes aforeſaid, until after a Trial of the Traverſe, and the Writ of *Certiorari* ſhall not delay the Writ of Reſtitution.

Purchaſers of forfeited Lands entitled to the ſame Benefit of the Statutes of forcible Entry and Detainer, as the Commiſſioners are.

No Writ of *Certiorari* to delay Reſtitution.

XXXI. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where Suits ſhall be commenced againſt Purchaſers under the Commiſſioners of Forfeitures as aforeſaid, by any Perſon or Perſons claiming the Eſtate ſo ſold, by Title oppoſed to the Title derived under either of the ſaid Commiſſioners of Forfeitures, all ſuch Suits ſhall be defended at the Expence of this State, and by the Attorney-General of this State, in Behalf of the People of this State; that it ſhall be lawful for the ſaid Attorney-General, by Warrant from the Perſon adminiſtring the Government of the State for the Time being, to draw from the Treaſury of this State, ſuch Sum and Sums of Money, as the Perſon adminiſtring the Government ſhall deem neceſſary to be expended in and about the Defence of ſuch Suits; that the Attorney-General ſhall, once in every ſix Months, account with the Auditor of this State for the Expenditure of ſuch Monies; and that the Attorney-General ſhall, upon a Warrant from the Perſon adminiſtring the Government for the Time being, employ ſuch Council to aſſiſt in and about the Defence of ſuch Suits, as the ſaid Perſon adminiſtring the Government ſhall, from Time to Time, deem neceſſary.

Suits againſt Purchaſers of forfeited Eſtates, how to be defended by Attorney-General.

XXXII. And in order the better to anſwer the good Purpoſes of this Law; *Be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioner or Commiſſioners of Forfeitures ſhall have, and are hereby veſted with full Power and Authority, by Summons under his or their Hand or Hands, and Seal or Seals, to require any Perſon or Perſons to appear before him or them, at ſuch Time and Place in the ſaid reſpective Diſtricts, which he or they ſhall appoint for the Purpoſe, to give Evidence as to ſuch Matters and Things as the ſaid Commiſſioner or Commiſſioners ſhall judge neceſſary for the full and complete Execution of their Office; and in Caſe of Neglect or Refuſal of ſuch Perſon or Perſons to attend and give Evidence as aforeſaid, and produce ſuch Papers, Deeds and Inſtruments in Writing, as may be required by the ſaid Commiſſioner or Commiſſioners, and due Proof thereof by any credible Witneſs, to be made before any Juſtice of the Peace in the County where the forfeited Lands, Tenements or Hereditaments in Queſtion do lie, ſuch Perſon or Perſons ſo neglecting or refuſing, ſhall forfeit *Ten Pounds*, with Coſts of Suit, to be recovered in a ſummary Way, before ſuch Juſtice, in the Name or Names of ſuch Commiſſioner or Commiſſioners; and when recovered and received by him or them, the ſame ſhall be paid into the Treaſury of this State. *Provided always*, That no Perſon or Perſons ſhall be obliged to give any verbal or written Evidence to ſuch Commiſſioner or Commiſſioners, which may affect his or their own private Intereſt.

Commiſſioners empowered to ſummon Witneſſes,

Who, in Caſe of Neglect or Refuſal to attend and give Evidence,

Shall forfeit 10l. with Coſts.

But no Perſon obliged to give Evidence which may affect his Intereſt.

XXXIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioner or Commiſſioners of Forfeitures for each of the ſaid Diſtricts, to demand and receive Copies or Extracts of any Records, Maps or other Papers, from the Keeper of any of the public or

Copies or Extracts of Records, Maps and Papers, to be delivered the Commiſſioners by the Keepers of the Records.

A.D. 1784. Inde. *U. S.* VIII.

County Records of this State, which he or they ſhall, on Inſpection, reſpectively deem neceſſary for the due Execution of the Powers and Authorities hereby veſted in him or them, to be paid for by the Treaſurer of this State, out of any public Monies which ſhall, from Time to Time, be in his Hands unappropriated, on Certificates to be granted for the ſame by the ſaid Commiſſioners reſpectively.

To be paid for by the Treaſurer.

XXXIV. AND *whereas* it may ſo happen, that certain of the forfeited Lands, Tenements and Hereditaments may not be conveniently ſold or diſpoſed of, until ſome Time be elapſed, and in ſuch Caſes it may be neceſſary for the Commiſſioner or Commiſſioners of Forfeitures to be appointed by Virtue of this Act, to demiſe the ſame for ſhort Terms, reſerving reaſonable Rents to ariſe therefrom for the Benefit of the State; *Be it therefore Enacted by the Authority aforeſaid*, That the ſaid Commiſſioner or Commiſſioners ſhall be, and are hereby fully authoriſed and empowered to demiſe any forfeited Lands, Tenements or Hereditaments, veſted in the People of this State, as in the Diſcretion of the ſaid Commiſſioner or Commiſſioners of Forfeitures ſhall appear reaſonable, ſo as that ſuch Demiſe ſhall not be for any longer Term or Terms reſpectively, than one Year.

Commiſſioners authoriſed to demiſe any forfeited Lands for one Year.

[*The 35th, 36th, 37th, 38th, 39th and 40th Sections of this Act, are obſolete.*]

XLI. *And be it Enacted by the Authority aforeſaid*, That the ſaid Commiſſioner or Commiſſioners ſhall, out of any Monies which may come in his or their Hands for Rents, make ſuitable Proviſion for the Support and Maintenance of any Slave or Slaves who may be found unable to ſupport themſelves, and who belonged to, and have not been diſpoſed of by any Perſon or Perſons, whoſe reſpective Eſtates have become confiſcated or forfeited to the People of this State.

Slaves belonging to Perſons whoſe Eſtates were forfeited, to be maintained by the Commiſſioners.

XLII. AND *whereas* no Proviſion hath yet been made for the Settlement and Diſcharge of Debts juſtly due from Perſons convicted and attainted, and whoſe Eſtates are forfeited to, and directed to be ſold for the Uſe of the People of this State, in Manner aforeſaid; for Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Court of Chancery and the Supreme Court of this State, and the Mayor's Court, and Court of Common Pleas in each reſpective City and County wherein any of the ſaid forfeited Lands, Tenements and Hereditaments ſhall be ſituated, or any one of the Judges of the ſaid Supreme Court, or any two of the Judges of any other of the ſaid Courts reſpectively, in the Vacation, on the Petition of any Perſon who was an Inhabitant of any of the ſaid Cities or Counties on the ninth Day of *July*, One Thouſand Seven Hundred and Seventy-ſix, and who hath not been attainted or convicted, or his or their legal Repreſentative, to examine and hear, and according to Equity and good Conſcience, to determine any Claim or Demand which he, ſhe or they may have, or make againſt any Eſtate forfeited as aforeſaid, for or by Reaſon of any Bond, Specialty, Debt, Contract or Dealing which ſubſiſted between ſuch Petitioner, and the Perſon by whoſe Conviction or Attainder the ſaid Eſtate become forfeited, prior to the ſaid ninth Day of *July*, One Thouſand Seven Hundred and Seventy-ſix; and in Caſes where Accounts may be intricate, or may require great Examinations, it ſhall and may be lawful to and for ſuch Courts, or Judge or Judges reſpectively, to refer the ſame to be examined and adjuſted by one or more Auditors, according to the Importance of the Caſe, at their Diſcretion, previouſly adminiſtring to ſuch Auditors reſpectively, an Oath, that they will faithfully and impartially perform the ſaid Truſt, according to the Beſt of their Skill and Judgment: And every Account, Claim or Demand ſo to be adjuſted by any Auditor or Auditors, ſhall be reported to, and unleſs Fraud or Error ſhall be diſcovered, confirmed by

How Debts due from Perſons whoſe Eſtates are forfeited, are to be aſcertained and paid.

A. D. 1784. Inde. U. S. VIII.

by the Court, or Judge or Judges from whom the Auditor or Auditors derived his or their Appointment; and the ſaid Court, or Judge or Judges, as well in Caſes determined in Favour of the Petitioner by their own immediate Authority, as in thoſe which ſhall be adjuſted and reported to them in Favour of a Petitioner by an Auditor or Auditors, ſhall, in due Form, certify in Writing, the Sum which ſhall ſo appear, or be found to be due to the Petitioner, and ſhall deliver one Copy of ſuch Certificate to the Petitioner, and cauſe another Copy to be tranſmitted, as ſoon as conveniently may be, to the Treaſurer of the State for the Time being; and the ſaid Treaſurer is hereby directed and required, from Time to Time, to open Accounts for the reſpective forfeited Eſtates, which ſhall be found ſubject and liable for any Debt or Demand duly adjuſted and certified as aforeſaid; and to credit ſuch forfeited Eſtates reſpectively, with all Sums of Money which ſhall be paid to him by any Commiſſioner or Commiſſioners of the ſaid reſpective Diſtricts, or ſhall otherwiſe ariſe and come into his Hands for the Uſe of the People of this State, as or for, or on Account of the Sales, Produce or Proceeds of ſuch forfeited Eſtates, whether Real or Perſonal; and the Treaſurer ſhall charge ſuch forfeited Eſtates with the ſeveral Debts and Demands, which ſhall be adjuſted and certified to be due and owing therefrom, in Manner aforeſaid; and it ſhall be, and is hereby declared to be the Duty of the Commiſſioner and Commiſſioners of Forfeitures of each of the ſaid reſpective Diſtricts, and he and they are reſpectively enjoined and required, as ſoon as he or they ſhall have cloſed and † completed the Sale of any forfeited Eſtate within his or their Diſtrict, forthwith, by Writing under his or their Hands, to certify and make known to the Treaſurer, that the Sale of ſuch forfeited Eſtates, as far as the ſame hath come to his or their Knowledge, is cloſed and completed, and therewith to render to the ſaid Treaſurer, upon his or their corporal Oath (to be adminiſtred by any Juſtice of the Peace) a juſt and true Account of ſuch Sale, and thereupon the Treaſurer, by Advertiſements to be publiſhed not leſs than thrice in two or more of the public News-papers printed in this State, ſhall notify and require all Perſons relievable by this Act, with whoſe Accounts or Demands againſt ſuch forfeited Eſtate, audited and certified, according to the true Intent and Meaning hereof, he ſhall not then be furniſhed, to exhibit to him their Claims or Accounts, legally audited and certified as aforeſaid, againſt ſuch forfeited Eſtate, the Sale whereof ſhall then be cloſed and completed as aforeſaid; and all Creditors and Claimants who ſhall not comply with the ſaid Notice and Requiſition within the Space of four Months next after the firſt Publication of ſuch Advertiſement, ſhall be, and hereby is and are, to all Intents and Purpoſes whatſoever, abſolutely debarred, and forever precluded from all Relief, Benefit and Advantage under, or by Force and Virtue of this Act, or any Proviſion, Article, Matter or Thing therein contained.

† *See 11th Seſſ. Ch. 90. Sec. 7.*

XLIII. *And be it further Enacted by the Authority aforeſaid*, That when all the Debts and Claims againſt any forfeited Eſtates ſhall be audited and certified, and exhibited to the ſaid Treaſurer, or be debarred and precluded from the Benefits and Advantages of this Act, in the Manner herein preſcribed; and ſuch forfeited Eſtate ſhall be ſold and diſpoſed of, and the Accounts of the Sale and Produce thereof be rendered by the reſpective Commiſſioners to the Treaſurer, according to the true Intent and Meaning of this Act, it ſhall and may be lawful to and for the Treaſurer for the Time being, and he is hereby authoriſed and required, to ſatisfy and diſcharge the Amount of ſuch Claims and Debts, taking a ſufficient Voucher for the ſame, by giving one or more Certificate or Certificates to ſuch Perſon or Perſons, his or their legal Rrepreſentatives, for the Sum ſo to be found due to him or them reſpectively; which Certificates ſhall bear an Intereſt of *Six per Cent.* per Annum, and ſhall be receivable in Payment for Eſtates to be ſold by Virtue of this

Debts and Claims againſt forfeited Eſtates being audited,

The Treaſurer to diſcharge the Amount, by giving Certificates for the ſame, with Intereſt at 6 per *Cent.*

A. D. 1784. Indc. *U. S.* VIII.

Which ſhall be receivable for forfeited and unappropriated Lands,

this Act, other than ſuch Eſtates, as are by Virtue of this Act continued under Mortgage for the Redemption of the Bills of Credit, commonly called the New Emiſſion, and in Payment for the Waſte and unappropriated Lands within this State, and in Payment of all State Taxes hereafter to be levied in this State, at the ſame Rate with Gold and Silver, although the ſame may not be mentioned in a future Law for the levying of Taxes, except in any Rates or Taxes which by Law may be directed to be raiſed during the preſent Meeting of the Legiſlature; which ſaid Certificates are hereby declared to be negotiable.

And in Payment of Taxes.

If the Proceeds of any Eſtate are inſufficient to pay all Debts, then to be divided in Proportion.

XLIV. *Provided always, and be it further Enacted by the Authority aforeſaid,* That if the Produce or Proceeds of any ſuch forfeited Eſtates ſhall be inſufficient to ſatisfy the Whole of the Claims and Demands, ſo to be audited and certified, to be due thereon in Purſuance of this Act, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Treaſurer, and he is hereby directed and required to diſtribute the Monies which ſhall have ariſen from the ſaid forfeited Eſtate, among all the Claimants or Creditors whoſe Debts and Demands ſhall be ſo aſcertained and chargeable thereon by this Act, in Proportion to the Sums certified to be due to each of them reſpectively, by giving ſuch Certificates as aforeſaid.

Such Creditors or Claimants to pay the Fees.

XLV. *Provided alſo, and be it further Enacted by the Authority aforeſaid,* That the ſeveral Creditors or Claimants who ſhall become entitled to Relief by Virtue of this Act, ſhall be chargeable with, and pay reaſonable Fees to the Judges, Auditors, Witneſſes and others, for their Services in auditing, adjuſting and certifying their reſpective Accounts in the Manner in this Act directed: *Provided alſo,* That to entitle any Claimant or Creditor to the Benefit of this Act, he ſhall make † Oath before the ſaid Treaſurer, or one of the Judges of the Inferior Court of the County where ſuch Claimant or Claimants reſpectively ſhall or may reſide, who are hereby reſpectively authoriſed and directed to adminiſter the ſame, that he or ſhe hath not received or ſecured, nor expects to receive or ſecure any Part of the Debt or Demand which ſhall be awarded and certified to be due to him or her, in Manner aforeſaid, by any Ways or Means whatſoever, the Proviſion made for him or her by this Act, only excepted.

Oath to be taken by Creditors or Claimants.

† *Quakers may affirm, 8th Seſſ. Ch. 80. Sec. 16. 10th Seſſ. Ch. 33.*

Debtors to Perſons whoſe Eſtates are forfeited, to pay their Debts in ſix Months to the Treaſurer, in Money or Certificates.

XLVI. *And be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful to and for all and every Perſon or Perſons, being Citizens of this State, who is or are indebted by Mortgage, Bond, Specialty, Contract or on Account, to any Perſon or Perſons, whoſe Eſtates, real and perſonal, is or are, by Attainder or Conviction, forfeited to the People of this State, within *ſix Months* after the paſſing of this Act, to pay the ſaid Debts, Dues and Demands, to the Treaſurer of this State, who is hereby required to receive all ſuch Debts, Dues and Demands in Specie or other Monies, and paper Securities made receivable in Payment upon the Sale of forfeited Eſtates by the fifth Section of this Act; and where ſuch Debts were due from any Perſon or Perſons who have not remained within the Enemy's Power during the late War, to any Perſon or Perſons who remained with, or went into the Enemy's Power or Lines, and whoſe Eſtates have been reſpectively forfeited to the People of this State, by his or their Attainder or Conviction reſpectively; ſuch Perſon or Perſons being ſo indebted, may, in Diſcharge of ſuch Debts, in Addition to the Securities above mentioned, pay unto the ſaid Treaſurer the like Certificates or Notes, and be diſcharged from any Intereſt which may have become due on ſuch Debts, as is directed by the Act, entitled, ‡ *An* Act *relative to Debts due to Perſons within the Enemy's Lines*, paſſed the 12th Day of *July*, 1782, and upon the Payments of ſuch Debts, Dues and Demands as aforeſaid, the ſaid Treaſurer ſhall give his Receipt

Further Time given, 8th Seſſ. Ch. 18. Sec. 2. 9th Seſſ. Ch. 58. Sec. 3. 10th Seſſ. Ch. 102. Sec. 7.

Other Proviſion made, *11th Seſſ. Ch. 90. Sec. 4.*

‡ *6th Seſſ. Ch. 1.*

A.D. 1784. Inde. U. S. VIII.

After six Months, the Commissioners to sue for such Debts.

Receipt, which Receipt shall be a sufficient Discharge for so much of the said Debts, Dues and Demands: That from and after the Expiration of the said *six Months*, it shall and may be lawful to and for the said Commissioner or Commissioners of Forfeitures, within his or their respective Districts, to ask, demand, sue for, and recover, in his or their own Name or Names, all Debts, Dues and Demands, which are owing, due and payable to any Person or Persons whose Estate, real and personal, is, or are, by Attainder or Conviction, forfeited to the People of this State, by Virtue of any Law or Laws heretofore passed, and all and singular the Interest Money due, and to grow due thereon; and that in all Prosecutions to be brought by the said Commissioner or Commissioners, in Virtue of this Act, in any Court of Record, no Essoin, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and if such Suit or Suits shall be commenced in any Court of Equity, then, and in every such Case, the Defendant or Defendants shall be compelled to make full Answer to the Bill, unless the same be dismissed on Demurrer for Want of Equity, and the Monies recovered by the said Commissioner or Commissioners, in the said several and respective Suits, shall, by him or them, from Time to Time, be paid into the Treasury of this State.

Thomas Clark to account with the Commissioners for the Moiety of Rents received by him, for Lands conveyed to him by *Oliver Delancey* and *Peter Dubois*. *See 8th Sess. Ch. 73.*

XLVII. WHEREAS *Oliver Delancey* and *Peter Dubois* did release and convey certain Lands in *New-Perth*, in *Washington* County (then called *Charlotte* County) in Fee, to *Thomas Clark*, subject to the annual Rent of *One Shilling* per Acre, and the said *Thomas Clark* conveyed sundry Lots and Parcels of the said Lands to other Tenants in Fee, subject to the said annual Rent; and the Right and Estate of the said *Oliver Delancey*, by his Attainder, having become vested in the People of this State, the said *Thomas Clark* hath, by his Petition, prayed the Legislature to be discharged from his Covenants for the Payment of the said annual Rent, and the other Tenants in Fee of the said Lands have, by their Petition, prayed a Remission of their Rents in Arrear, or some Part thereof; *Be it therefore Enacted by the Authority aforesaid*, That the said Commissioner of Forfeitures for the Eastern District, shall, and he is hereby authorised to require the said *Thomas Clark* to account for the Moiety of the Rents which he hath received for the Lands which he held from *Oliver Delancey* and *Peter Dubois*, under a yearly Rent; and that if the said *Thomas Clark* inclines to release his Right to the said Commissioner, to the Use of the People of this State, so far as it respects the Estates conveyed by the said *Oliver Delancey*, that the said Commissioner do accept of such Release.

Collection of the Moiety due from the Occupants, stayed, *8th Sess. Ch. 73.*

XLVIII. *And be it further Enacted by the Authority aforesaid*, That the Collection of the Moiety of the Rents still due from the Tenants occupying the said Lands, be stayed until the Legislature shall direct otherwise.

The Commissioners inhibited from selling or demising certain Estates. (a) *Given to his Widow, 10th Sess. Ch. 93. Sec. 6.*

XLIX. *And be it further Enacted by the Authority aforesaid*, That it shall not be lawful for the said Commissioner or Commissioners of Forfeitures, to be appointed by Virtue of this Act, to sell or demise the following Estates, *to wit:* The Farm or Plantation situate in the *Eike-Bosh*, in the District of *Kinderhook*, in the County of *Albany*, forfeited by the Conviction of (a) *Andries Kettle*; the Estate late of *William Zimmer*, in the District of *Schohary*, in the County aforesaid; the Lands in Possession of *Jacobus Mabie*, and *Joseph Mabie*, in the County of *Montgomery*; the Farm of *Charles Heroy*, in the County of *Dutchess*; the Farm in Possession of *Ruth Ferguson*, in the District of *Hosick*, in the County of *Albany*; the Parsonage and Glebe near Continental Village, formerly in Possession of *Ebenezer Jones*; the Estate late of *Lucas Vedder*, in the said County of *Montgomery*; the Estate late of *Henry Herring*, of *Palatine* District, in the said County; the Estate late of (b) *Jonathan Fowler*, Esquire, in the County of *Westchester*; the Estate late of (c) *Bartholomew Crannel*, Esquire, lying within the Precinct of *Poughkeepsie*; the Estate late of (d) *James Lamb*, lying within the Precinct of *Haverstraw*; the Estate late of *John Turner*, Shopkeeper, in the City of *New-York*; the Estate late of *Samuel Striker*, of *Gravesend*,

(b) *Given to his Children, 10th Sess. Ch. 93. Sec. 1.*
(c) *Ordered to be sold, and Money paid to Trustees for Creditors, 11th Sess. Ch. 95. Sec. 26.*
(d) *Given to his Children, 10th Sess. Ch. 93. Sec. 7.*

A. D. 1784.
Inde. U. S. VIII.

Graveſend, at *Long-Iſland*; the Eſtate late of *James Hubbart*, of *Graveſend*, in *King*'s County, on *Naſſau-Iſland*; the Eſtate of (*e*) *Benjamin Cloſe*, late of *Weſtcheſter* County; the Houſe and Lot of Ground in the City of *New-York*, late the Property of (*f*) *Waldron Blauw*, now in the Poſſeſſion of *Edward Doughty*; the (*g*) Parſonage and Glebe Lands in *Philipsborough*, in the County of *Weſtcheſter*, or any Land heretofore belonging to *Frederick Philipſe*, in the ſaid County, on which any Church or Place of public Worſhip is now erected, not reſerving more than two Acres adjoining to ſuch Church or Place of Worſhip; the Eſtate late of *Gilbert Purdy*, in *Newburgh* Precinct, in the County of *Ulſter*; the (*h*) Parſonage and Glebe Lands in *John's-Town*, in the County of *Montgomery*, or any Land heretofore belonging to Sir *John Johnſon*, in the ſaid County, on which any Church or Place of Worſhip is now erected, not reſerving more than two Acres adjoining to ſuch Church or Place of Worſhip; or the preſent Highway, or any Part thereof extending either Way from the preſent Bridge over *Speyten-Devil* Creek, commonly called *King's-Bridge*, as far as the ſame paſſes through, or is laid over any Lands belonging to the People of this State; which ſaid Bridge and Highway, extending from each End thereof, as far as the ſame is laid over any Land belonging to the People of this State, ſhall be, and hereby is declared to be a public Highway, and ſhall, for ever hereafter, be reſerved and kept open as a public Highway.

(*e*) *Veſted in Truſtees for his Children, 10th Seſſ. Ch. 93. Sec. 3.*
(*f*) *Given to his Wife and Children, 11th Seſſ. Ch. 95. Sec. 28.*
(*g*) *See 9th Seſſ. Ch. 58. Sec. 26.*
(*h*) *See 9th Seſſ. Ch. 58. Sec. 25. 10th Seſſ. Ch. 73. Sec. 2.*

1 and 1-4 per *Cent.* allowed to the Commiſſioners for the Southern Diſtrict, for their Services & Expences,

L. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners of Forfeitures to be appointed by Virtue of this Act, for the Sale of forfeited Eſtates in the Southern Diſtrict of this State, ſhall receive a Commiſſion of one and one Fourth *per Cent.* on the Amount of the Sales to be made by them, as a Reward for their Services, and in Payment of all Expences in cauſing Surveys to be made, and of all other Charges and Diſburſements whatſoever in the Execution of their Office; and that the Commiſſioner or Commiſſioners to be appointed in the other Diſtricts of this State, in Manner aforeſaid, ſhall each be allowed the Sum of *Twenty-four Shillings* per Day, for every Day he or they ſhall be actually employed in the Service required of him or them by Virtue of this Act, for his or their Time and perſonal Expence, and excluſive of all other neceſſary Expences from Time to Time, to accrue in the Execution of the Powers and Authorities that ſhall be exerciſed by him or them in Virtue of this Law.

And 24s. per Day to the Commiſſioners of the other Diſtricts, excluſive of all Expences, perſonal excepted.

Monies to be advanced to the Commiſſioners.

LI. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this State is hereby required to advance to the Commiſſioners of Forfeitures to be appointed by Virtue of this Act, of the ſeveral Diſtricts reſpectively; *that is to ſay*, To the Commiſſioner of the Middle Diſtrict a Sum not exceeding *Twenty Pounds*; to the Commiſſioners of the Weſtern Diſtrict, a Sum not exceeding *One Hundred* and *Fifty Pounds*; and to the Commiſſioner of the Eaſtern Diſtrict, a Sum not exceeding *Thirty Pounds*, to enable them to proceed on the Buſineſs enjoined on them by this Act.

Commiſſioners to give Deeds to veſt the Purchaſers & their Heirs, with all the Eſtates & Intereſts of the People of the State, to the forfeited Lands.

LII. *And be it further Enacted by the Authority aforeſaid*, That ſuch Deeds and Conveyances ſhall be given by the ſaid Commiſſioner or Commiſſioners of Forfeitures, for all forfeited Lands, Tenements and Hereditaments to be ſold by Virtue of this Act, as will veſt the Purchaſer or Purchaſers, his, her or their Heirs and Aſſigns, with all and ſingular the Eſtates, Rights and Intereſts held by the People of this State, in, and to ſuch Lands, Tenements and Hereditaments previous to ſuch Sale.

Powers of the Commiſſioners for the Weſtern Diſtrict, may be exerciſed by a Majority of them.

LIII. *And be it further Enacted by the Authority aforeſaid*, That all and ſingular the Powers and Authorities hereby veſted in the ſaid Commiſſioners of Forfeitures for the Weſtern Diſtrict, ſhall, to all Intents, Conſtructions and Purpoſes in the Law whatſoever, be exerciſed and executed by the ſaid Commiſſioners, or a major Part of them.

LIV. *And*

A.D. 1784. Inde. *U. S.* VIII.

LIV. *And be it further Enacted by the Authority aforesaid*, That all and singular the Powers and Authorities granted to any Commissioner or Commissioners of Forfeitures by Virtue of a Law of this State, entitled, † *An* Act *for the Forfeiture and Sale of the Estates of Persons who have adhered to the Enemies of this State, and for declaring the Sovereignty of the People of this State, in Respect to all Property within the same*, passed the 22d Day of *October*, 1779, and all other Laws of this State, touching the Powers given to the Commissioners of Forfeitures, passed prior to the first Day of *January* last, shall be, and the same, and every of them, are hereby repealed, annulled and made void; any Thing in the said Laws, or any, or either of them, contained to the Contrary thereof in any wise notwithstanding.

All former Powers granted to the Commissioners, repealed.

† *3d Sess. Ch.* 25.

LV. *Provided nevertheless, and it is hereby Enacted and Declared by the Authority aforesaid*, That in all and every Case and Cases wherein the Commissioners of Forfeitures appointed by Virtue of the said Laws, or any or either of them, have received any Location or Locations for the Sale of any forfeited Lands, Tenements or Hereditaments, made in Conformity to any Law or Laws of this State, which was or were in Force at and immediately before the Time of the passing of this Act, the said Commissioners shall be, and hereby are authorised to carry the Sales upon such Location and Locations, and each and every of them, into full and complete Execution, to all Intents, Constructions and Purposes whatsoever in the Law, as if this Law had not passed; any Thing herein contained to the Contrary in any wise notwithstanding.

Except where Locations have been received, and are not carried into Execution.

[*The 56th and 57th Sections of this Act are obsolete.*]

LVIII. AND *whereas* by an Act, entitled, ‡ *An* Act *to appropriate certain Buildings to public Uses*, passed at this present Meeting of the Legislature, a certain House and Lot of Ground situate in the West-Ward of the City of *New-York*, and vested in the People of this State by Attainder of *William Axtell*, Esquire, late a Member of the Council of the King of *Great-Britain*, for the late Colony of *New-York*, was set apart for the Use of the Secretary of this State, and as a Deposit for the public Records thereof: And by Virtue of the said Act, the Dwelling House and Lot or Toft of Ground, with the Appurtenances, in the East-Ward of the said City, late in the Occupation of ‖ *Henry White*, Esquire, late a Member of the said Council, and vested in the People of this State by the Attainder of the said *Henry White*, has been set apart for the Residence of his Excellency the Governor; *Be it therefore further Enacted by the Authority aforesaid*, That the Commissioners of Forfeitures for the Southern District of this State, are hereby inhibited from receiving any Location on either of the said two Dwelling Houses or Lots of Ground, and from making any Sale thereof, or of either of them; but the same are hereby declared to be reserved for the Uses aforesaid, until the further Order of the Legislature.

‡ *7th Sess. Ch.* 12.

‖ *Ordered to be sold, 9th Sess. Ch.* 58. *Sec.* 16.

Commissioners not to receive Locations on, nor sell the Buildings appropriated to the Use of the Governor and Secretary.

CHAP. LXV.

An ACT *for the Payment of the Salaries of the several Officers of Government, and of certain contingent Expences, and for other Purposes therein mentioned.*

Passed 12th May, 1784.

Obsolete.

CHAP. LXVI.

An ACT *to preserve the Freedom and Independence of this State, and for other Purposes therein mentioned.*

Passed 12th May, 1784.

Repealed, 11th Sess. Ch. 73. *Sec.* 2.

LAWS

A. D. 1784.
Inde. U. S. IX.

LAWS of the State of NEW-YORK,

Passed in the Eighth Session of the Legislature, held at the City of New-York.

CHAP. I.

Obsolete.

An ACT *further to continue the Treasurer of this State in Office.*

Passed 11th November, 1784.

CHAP. II.

‡ 6th Sess. Ch. 28. Obsolete.

An ACT *to amend an Act, entitled,* ‡ *An Act to appoint Commissioners to complete the running of a Jurisdiction Line between this State and the State or Commonwealth of* Massachusetts, *passed the 17th Day of* March, 1783.

Passed 11th November, 1784.

CHAP. III.

Private.

An ACT *to pardon* Teunis Casey, *alias* Teunis Keire, *of the Felony therein mentioned.*

Passed 11th November, 1784.

CHAP. IV.

Supplementary Act, 9th Sess. Ch. 49. Obsolete.

An ACT *to appoint Agents or Commissioners for vindicating the Right and Jurisdiction of this State against the Claims of the Commonwealth of the* Massachusetts, *pursuant to the Articles of Confederation and Perpetual Union of the United States.*

Passed 12th November, 1784.

CHAP. V.

Private.

An ACT *for the Relief of* Jane Blake, *and the Creditors of her late Husband,* Jonathan Blake, *deceased.*

Passed 18th November, 1784.

CHAP. VI.

Obsolete.

An ACT *for the Establishment of a Custom-House.*

Passed 18th November, 1784.

CHAP. VII.

Explained & amended, 8th Sess. Ch. 34 & 76. Repealed, 10th Sess. Ch. 81. Sec. 38.

An ACT *imposing Duties on certain Goods, Wares and Merchandize, imported into this State.*

Passed 18th November, 1784.

CHAP.

CHAP. VIII.

A. D. 1784. Inde. U. S. IX.

Private.

An ACT *to empower* Fernandus Suydam, Elizabeth Debeavois, *and* John Vanderbilt, *Administrators, with the Will annexed to* Jacobus Debeavois, *deceased, to execute the Trust and Power given to the Executors in the said Will named.*

Passed 23d November, 1784.

CHAP. IX.

Private.

An ACT *to vest the real Estate of* Anthony Byvanck, *the Elder, deceased, in Trustees, for the Payment of his Debts, and other Purposes.*

Passed 23d November, 1784.

CHAP. X.

Obsolete.

An ACT *respecting certain Prosecutions existing in the Supreme Court of Judicature of this State.*

Passed 23d November, 1784.

CHAP. XI.

An ACT *instituting a Court for the Trial of Impeachments and the Correction of Errors.*

Passed 23d November, 1784.

Preamble.

WHEREAS by the Constitution of this State, it is ordained, That a Court shall be instituted for the Trial of Impeachments, and the Correction of Errors, under the Regulations which shall be established by the Legislature, and to consist of the President of the Senate for the Time being, and the Senators, Chancellor, and Judges of the Supreme Court, or the major Part of them:

A Court constituted for the Trial of Impeachments and Correction of Errors,

To be held during the Sitting of the Legislature.

I. *Be it therefore Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That the President of the Senate for the Time being, and the Senators, Chancellor, and Judges of the Supreme Court, or the major Part of them, shall be, and hereby are constituted a Court for the Trial of Impeachments and the Correction of Errors; and it shall and may be lawful for the same Court, at all Times hereafter, during the Sitting of the Legislature, to assemble for the Purposes aforesaid, on such Days, and at such Places as the same Court shall, from Time to Time, appoint.

To have a Seal.

II. *And be it further Enacted by the Authority aforesaid,* That the said Court hereby instituted, shall be, and hereby is authorised and required, forthwith to cause a Seal for the same Court to be devised and made, and as soon as conveniently may be, after the same Seal is made, shall cause a Description thereof in Writing, to be delivered to the Secretary of this State, who shall record and deposit the same in his Office, there to remain as a public Record.

Council of Appointment to appoint a Clerk.

Form of Process issuing out of it.

III. *And be it further Enacted by the Authority aforesaid,* That it shall and may be lawful for the Person administring the Government of this State for the Time being, by and with the Advice and Consent of the Council of Appointment, from Time to Time, to appoint a fit and proper Person to be Clerk of the same Court, who shall hold his Office during the Pleasure of the said Council; and that all Writs and Process issuing out of the same Court, shall be made in the Name of, *The People of the State of* NEW-YORK, and tested in the Name of the President of the Senate for the Time being, and signed by the Clerk of the same Court.

A. D. 1784. Inde. *U. S.* IX.

Manner of proceeding upon Impeachments.

IV. *And be it further Enacted by the Authority aforeſaid,* That all Impeachments ſhall be delivered to the Preſident of the Senate for the Time being, who ſhall thereupon immediately cauſe the Court hereby inſtituted for the Trial of Impeachmets, to be ſummoned; and the ſame Court ſhall thereupon forthwith cauſe the Perſon ſo impeached, to appear, or be brought before them, to anſwer the Charge exhibited againſt him; and upon the Appearance of ſuch Perſon ſo impeached, he ſhall be entitled to have a Copy of the ſaid Impeachment, and a reaſonable Time to plead or anſwer to the ſame. And when Iſſue ſhall be joined upon ſuch Impeachment, the Court ſhall appoint a Time and Place for the Trial thereof; and at the Time and Place ſo appointed, and before they proceed upon the Trial, the Preſident of the Senate for the Time being, ſhall adminiſter to each of the Members of the ſaid Court then preſent, and the Clerk of the ſaid Court ſhall, at the ſame Time, alſo adminiſter to the Preſident, an Oath, or if of the People called Quakers, an Affirmation, truly and impartially to try and determine the Charge in Queſtion according to Evidence; and the ſaid Court ſhall then proceed to hear, try, and determine the ſame, and may, from Time to Time, if neceſſary, adjourn the ſaid Trial to any other Time or Place; and no Member of the ſame Court ſhall ſet or give his Vote upon ſuch Trial, until he ſhall have taken the Oath or Affirmation aforeſaid, before the Preſident of the Senate for the Time being. *Provided always,* That no Judgment or Sentence of Conviction ſhall be given againſt any Perſon upon any Impeachment, unleſs two-third Parts of the Members of the ſaid Court then preſent, ſhall aſſent to ſuch Judgment or Sentence. And if two-third Parts of the Members then preſent ſhall not aſſent to a Judgment or Sentence of Conviction, then, and in ſuch Caſe, the Perſon ſo impeached ſhall be conſidered as acquitted from ſuch Impeachment; and no Judgment or Sentence of Conviction upon any ſuch Impeachment, ſhall extend further than to Removal from Office, and Diſqualification to hold or enjoy any Place of Honor, Truſt or Profit, under this State; but the Party ſo convicted or acquitted ſhall be, nevertheleſs, liable and ſubject to Indictment, Trial, Judgment, and Puniſhment, according to the Laws of the Land.

Members of the Court to be ſworn.

No Judgment to be given againſt the Party, unleſs two Thirds of the Members preſent agree to it.

Power of Impeachment veſted in the Aſſembly.

V. *And be it further Enacted by the Authority aforeſaid,* That the Power of impeaching all Officers of the State, for mal and corrupt Conduct in their reſpective Offices, be veſted in the Repreſentatives of the People in Aſſembly; but that it ſhall always be neceſſary that two-third Parts of the Members preſent ſhall conſent to and agree in ſuch Impeachment.

Perſons impeached to be ſuſpended from the Exerciſe of their Office.

VI. *And be it further Enacted by the Authority aforeſaid,* That when any Officer ſhall be ſo impeached, as aforeſaid, he ſhall be, and hereby is ſuſpended from exerciſing his Office until his Acquittal: And if the Preſident of the Senate ſhould, at any Time, be impeached as aforeſaid, Notice thereof ſhall be immediately given by the Aſſembly to the Senate, that another Preſident may be appointed.

Errors in the Chancery, Supreme Court, the Court of Probates, and the Court of Admiralty, to be corrected by this Court.

VII. *And be it further Enacted by the Authority aforeſaid,* That all Errors happening in the Court of Chancery, the Supreme Court, the Court of Probates, and the Court of Admiralty, except in Caſes of Captures, ſhall be redreſſed and corrected by the Court hereby inſtituted; and that it ſhall and may be lawful, as well for the Attorney-General, in Behalf of the People of this State, as for any Party, Plaintiff or Demandant, or Defendant, Tenant or Vouchee, againſt whom any Judgment hath been, or may hereafter be given in the ſaid Supreme Court, or their Repreſentatives, who may be thereby aggrieved, to ſue forth, out of the Court of Chancery, a Writ of Error, to be directed to the Judges of the Supreme Court for the Time being, commanding them to cauſe the Record of ſuch Judgment, and all Things concerning

Manner of proceeding upon Writs of Error to the Supreme Court.

A.D. 1784. Inde. *U. S.* IX.

cerning the ſame, to be brought before the Preſident of the Senate, and the Senators, and Chancellor; which Writ of Error, if iſſued during the Sitting of the Legiſlature, ſhall be made returnable at the Place where the Senate ſhall then ſit, without Delay; but if iſſued during the Receſs of the Legiſlature, then ſuch Writ of Error ſhall be made returnable at the next Meeting of the Senate, whereſoever the ſame ſhall then be; and the Party proſecuting ſuch Writ of Error, ſhall, without Delay, cauſe a Tranſcript of the ſaid Record to be made, and the ſaid Judges, to whom ſuch Writ of Error may be directed, or any one of them, ſhall, within fifteen Days after Notice of the ſaid Writ of Error, if the ſame be returnable without Delay, or if otherwiſe, at the Day of the Return thereof, annex the ſaid Tranſcript to the ſaid Writ of Error, and indorſe a proper Return upon the ſame Writ, and return the ſame. And the Preſident of the Senate for the Time being, and the Senators and Chancellor, or the major Part of them, ſhall have full Power and Authority, and hereby are authoriſed and required, to examine all ſuch Errors as ſhall be aſſigned or found in ſuch Record, or in any Proceſs or Proceeding concerning the ſame, and to call upon the Judges of the ſaid Supreme Court, to aſſign the Reaſons of ſuch Judgment, and thereupon to reverſe or affirm the ſaid Judgment, and to give ſuch other Judgment therein as the Law ſhall require; and ſhall then cauſe the ſaid Tranſcript of the Record, with their Judgment thereon, and all Things concerning the ſame, to be remitted back into the ſaid Supreme Court, where ſuch further Proceedings ſhall be thereupon, as well for Execution as otherwiſe, as may be agreeable to Law and Juſtice.

Writ of Errors not to be abated for Want of a ſufficient Number of Members to proceed.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if at the Return of any ſuch Writ of Error, or at any other Time to which the ſame, or the Proceedings thereon, ſhall be adjourned or continued, there ſhould not be preſent a ſufficient Number of the Members of the ſaid Court of Errors, to proceed thereon, the ſaid Writ of Error, or the Proceedings thereon, ſhall not be thereby abated or diſcontinued, but the Members of the ſaid Court of Errors then preſent, ſhall, in ſuch Caſe, adjourn or continue the ſame to ſome further Day. *Provided always*, That no Judgment ſhall be given, nor any Rule or Order made upon any ſuch Writ of Error, or Proceſs, or Proceeding thereon, except for adjourning or continuing the ſame, unleſs the Preſident of the Senate for the Time being, and the Senators and Chancellor, or the major Part of them at the leaſt, be preſent.

Appeals from the Court of Chancery.

Manner of proceeding therein.

IX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for all Perſons who are or may be aggrieved by any Sentence, Judgment, Decree or Order of the Court of Chancery, to appeal from the ſame, or any Part thereof, to the Preſident of the Senate for the Time being, and the Senators and the Judges of the Supreme Court; and the Preſident of the Senate and the Senators, and the Judges of the Supreme Court for the Time being, or the major Part of them, ſhall have full Power and Authority, and hereby are authoriſed and required to call upon the Chancellor to aſſign the Reaſons of ſuch Sentence, Judgment, Decree or Order, and to examine, hear, and finally determine ſuch Appeal, and all Matters concerning the ſame; and to reverſe, affirm, or alter ſuch Sentence, Judgment, Decree or Order, and to make ſuch other Order or Decree thereon, as Equity and Juſtice ſhall require; and thereupon to remit the ſame, with their Judgment, Decree and Order in the Premiſes, and all Things concerning the ſame, back into the ſaid Court of Chancery, where ſuch further Proceedings ſhall be thereupon, as well for Execution as otherwiſe, as may be agreeable to Equity and Juſtice. *Provided always*, That all ſuch Appeals, except thoſe from final Decrees, be made within fifteen Days next after making the Orders or Decrees ſo appealed from.

Appeals from decretal Orders to be made within fifteen Days.

X. *And*

A. D. 1784. Inde. *U. S.* IX.

Appeals from the Court of Probates and the Court of Admiralty.

Manner of proceeding therein.

X. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for all Perſons who are or may be aggrieved by any Sentence, Judgment, Decree or Order of the Court of Probates, or of the Court of Admiralty (except in Caſes of Captures) to appeal from the ſame, or any Part thereof, to the Preſident of the Senate for the Time being, and the Senators, Chancellor and Judges of the Supreme Court; and the Preſident of the Senate and the Senators, the Chancellor and the Judges of the Supreme Court, or the major Part of them, ſhall have full Power and Authority, and hereby are authoriſed and required to examine, hear, and finally determine all ſuch Appeals, and all Matters concerning the ſame, and to reverſe, affirm or alter ſuch Sentence, Judgment, Decree or Order, and to make ſuch other Order or Decree therein, as Equity and Juſtice ſhall require; and thereupon to remit the ſame, with their Judgment, Decree and Order in the Premiſes, and all Things concerning the ſame, back into the Court ſo appealed from, where ſuch further Proceeding ſhall be thereupon, as well for Execution as otherwiſe, as may be agreeable to Equity and Juſtice. *Provided always*, That all ſuch Appeals from the ſaid Court of Admiralty, and from the ſaid Court of Probates, be made within fifteen Days next after making or giving the Sentence, Judgment, Decree or Order ſo appealed from. And that all Appeals from any Sentence, Judgment or Decree heretofore made by the Court of Admiralty, or Court of Probates, ſhall be made within ſix Weeks after the paſſing of this Act.

Appeals to be made in fifteen Days.

Where the other Members are equally divided, the Preſident to have a caſting Voice.

XI. *And be it further Enacted by the Authority aforeſaid*, That in all Queſtions ariſing upon ſuch Writs of Error and Appeals, and the Proceedings and Judgments thereon, when the other Members of the Court then preſent, ſhall be equally divided in Opinion, the Preſident of the Senate for the Time being, ſhall have a caſting Voice in the Deciſion, but ſhall not vote in any other Caſe whatever.

Writs of Error on Judgments in the Supreme Court, and Appeals from Decrees in Chancery, to be brought within five Years.

XII. *And be it further Enacted by the Authority aforeſaid*, That all Writs of Error upon Judgments in the Supreme Court, and Appeals from definitive Sentences in the Court of Chancery, heretofore given or made, or hereafter to be given or made, ſhall be brought within five Years next after rendering the Judgment or making the Decree, and not after.

Writs of Error in Caſes not capital, to iſſue of Courſe.

XIII. *And be it further Enacted by the Authority aforeſaid*, That Writs of Error in all civil Caſes, and criminal Caſes not capital, ſhall be conſidered as Writs of Right, and iſſue of Courſe; and in all capital Caſes, Writs of Error ſhall be conſidered as Writs of Grace, and ſhall not iſſue but by Order of the Chancellor for the Time being, made upon Motion or Petition, Notice whereof ſhall always be given to the Attorney-General for the Time being, or the Proſecutor for the State.

CHAP. XII.

‡ *6th Seſſ. Ch.* 1. *Amended, 10th Seſſ. Ch.* 94.

An ACT *to explain and amend the Act, entitled,* ‡ *An* Act *relative to Debts due to Perſons within the Enemy's Lines, paſſed* 12*th* July, 1782.

Paſſed 24th November, 1784.

Preamble.

WHEREAS Doubts have ariſen, whether the ſaid Act doth extend to Executors and Adminiſtrators, both of Debtors and Creditors, eſpecially the Executors and Adminiſtrators of Perſons who have deceaſed ſince the paſſing of the ſaid Act;

Act extended to Executors and Adminiſtrators.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted and Declared by the Authority of the ſame*, That the aboveſaid Act doth extend to the Executors and Adminiſtrators

A. D. 1784. Inde. *U. S.* IX.

Administrators of all such Debtors and Creditors as fully and absolutely as it would extend to their Testators and Intestates, were they in full Life, and shall be so deemed, construed and taken, to all Intents, Constructions and Purposes whatsoever, both in Law and Equity.

How Persons who have absented themselves, are to be notified to appear to receive Payment of their Debts.

II. And *whereas* some of the Creditors described in the fourth Section of the before, in Part, recited Act, have withdrawn, or may hereafter withdraw themselves from this State, and thereby put it out of the Power of their Debtors (to whom the aforesaid Act was intended to give Relief) to cite them before any Court of Law in this State, to have a Settlement, and make Payment agreeable to the Mode prescribed in and by the said Act; *Be it therefore further Enacted by the Authority aforesaid*, That it shall and may be lawful to and for such Debtor or Debtors as aforesaid, by Advertisement to be published for eight Weeks successively, in two of the public News-papers printed in this State, to notify and require such, his, her or their absent Creditor or Creditors, to appear at a Time and Place to be mentioned in such Advertisement, before some certain Court of Law in this State, to have a Settlement and Payment made as aforesaid, (which Time shall not be less than eight Calendar Months from the first Publication of such Advertisement) and that such Notification shall be deemed, taken, and adjudged to be a sufficient Citation, to all Intents and Purposes, and shall have the same Validity and Effect as if such Creditor or Creditors had been personally cited: *Provided always*, That no such Advertisement, or any Proceeding thereon, shall be deemed, adjudged, or taken to be good or effectual in the Law, unless the Debtor or Debtors shall previously have made an Affidavit or Affirmation (in Cases where by Law an Affirmation is allowed) before one of the Judges of the Court of Law before which the Appearance of such Creditor shall be required, that he verily believes that the Creditor hath departed the State, or concealed himself therein; and that it is not in the Power of such Debtor or Debtors personally to serve such Creditor with a Citation for his Appearance; which Departure or Concealment shall also be proved to the Satisfaction of such Judge by two Witnesses.

The Debtor to make Affidavit that he believes the Creditor hath departed the State.

Claims of certain Legatees not to be affected by this Act.

III. *Provided also, and be it further Enacted by the Authority aforesaid*, That nothing in this Act, or the Act hereby in Part recited, contained, shall affect, injure, or take away, or be deemed or adjudged to extend to the Claims, Rights and Interests of any Legatee, or other Person legally entitled, in his or her own Right, to the personal Estate of any Testator or Intestate, such Legatee or legal Representative not having remained or come, or by Virtue of any Law of this State, been sent within the Power of the Enemy during the late War. *Provided also*, That no Person shall be allowed the Benefit of this Proviso, unless he shall first have taken the Oath of Abjuration, and the Oath of Allegiance to this State, and shall have obtained a Certificate, signed by two reputable and well-affected Freeholders of this State, one whereof shall be a Judge of the Inferior Court of Common Pleas, or Mayor's Court, of the County or City in which the Person named in such Certificate shall reside, certifying, that he hath constantly and uniformly, since the ninth Day of *July*, One Thousand Seven Hundred and Seventy-six, been well attached to the Freedom and Independence of the United States of *America*, and hath taken an active and decided Part therein.

Oath of Allegiance required of Persons claiming Benefit of this Act.

When Assignment of Debt to be deemed fraudulent.

IV. *And be it further Enacted by the Authority aforesaid*, That in all Cases where any Debt, Bill or other Obligation, Mortgage, Security or Demand whatsoever, mentioned in the said herein, in Part, recited Act, shall have been assigned since the Time of the passing of the said Act, or shall hereafter be assigned to any Person or Persons whomsoever, by any Person who has remained with, gone into, or was sent within the Enemy's Lines during the said

A. D. 1784. Inde. *U. S.* IX.

War, every ſuch Aſſignment ſhall be deemed and adjudged fraudulent, and to have been made with Intent to elude the ſaid Act; and every ſuch Aſſignee, and his Repreſentative, ſhall be bound to receive Payment from the Debtor, or his Repreſentative, in the ſame Manner as the original Obligee, Mortgagee or Creditor, would have been held to receive the ſame, had no ſuch Aſſignment been made.

Corporation to be affected in Caſes of Aſſignment only.

V. *And be it further Enacted by the Authority aforeſaid*, That nothing in the aforeſaid, in Part, recited Act, or this Act, ſhall be deemed, taken or conſtrued to prejudice or affect any Corporation or Body Politic, except only with Reſpect to Aſſignments herein before mentioned and deſcribed.

This Act to extend to certain inſolvent Debtors Eſtates.

VI. *And be it further Enacted by the Authority aforeſaid*, That the above mentioned Act ſhall be conſtrued to extend to the Aſſignees or Truſtees of the Eſtates of ſuch Perſons who became inſolvent Debtors before the ninth Day of *July*, 1776, ſo far as relates to Monies due to Perſons who remained within the *Britiſh* Lines in this State.

CHAP. XIII.

Private. Will expire 1ſt May, 1796.

An ACT *to exempt* Ludewig Shoub, *and* Peter Learman, *and* Jonas Denton, *and their reſpective Heirs, Executors, Adminiſtrators and Aſſigns, from paying any Part or Share of the Produce of the Mines therein mentioned.*

Paſſed 24th November, 1784.

CHAP. XIV.

‡ *7th Seſſ. Ch.* 34. *Amended,* 10*th Seſſ. Ch.* 67. *Obſolete.*

An ACT *to revive and amend an Act, entitled,* ‡ *An* Act *for the Relief of Inſolvent Debtors within this State, paſſed* 17*th* April, 1784.

Paſſed 24th November, 1784.

CHAP. XV.

‡ 7*th Seſſ. Ch.* 51. *Repealed,* 10*th Seſſ. Ch.* 82. *Sec.* 22.

An ACT *to amend an Act, entitled,* ‡ *An* Act *for granting certain Privileges to the College heretofore called* King's College; *for altering the Name and Charter thereof, and erecting an Univerſity within this State, paſſed the 1ſt Day of* May, 1784.

Paſſed 26th November, 1784.

CHAP. XVI.

Obſolete.

An ACT *to compel the Payment of the Arrears of Taxes; for enforcing the Payment of Fines and Amerciaments; obliging Sheriffs to give Security for the due Execution of their Offices, and for other Purpoſes.*

Paſſed 26th November, 1784.

CHAP. XVII.

An ACT *to enable the Clerks of the reſpective Cities and Counties within this State, to cancel the Records of certain Mortgages, made and executed to Perſons whoſe Eſtates are forfeited, on Proof that ſuch Mortgages are ſatisfied.*

Paſſed 27th November, 1784.

Preamble.

WHEREAS it is repreſented to the Legiſlature, that certain Mortgages to Perſons whoſe real and perſonal Eſtates are forfeited to, and veſted in the People of this State, are regiſtered in the Offices of the Clerks of ſeveral of the Cities and Counties within this State, purſuant to an Act of the late

A. D. 1784. Indc. U. S. IX.

late Colony, entitled, *An* Act *for preventing Frauds by Mortgages, which ſhall be made and executed after the firſt Day of* June, *in the Year One Thouſand Seven Hundred and Fifty-four*, paſſed the 12th Day of *December*, 1753;. and that in many Caſes the original Mortgages remain in the Hands or Power of the Mortgagees: *And whereas* it is required by the ſaid Act, that the Certificate thereby preſcribed, to enable the reſpective Clerks to diſcharge the Entry of Mortgages, ſhall be ſigned only by the Mortgagee, his, or her Executors, Adminiſtrators or Aſſigns; and by Reaſon thereof, Mortgages ſo as aforeſaid, veſted in the People of this State, although they ſhould be fully redeemed and paid off, could not be cancelled, but muſt remain an Incumbrance, to the great Diſcouragement of Purchaſers, and the Detriment of the Public: *For Remedy whereof*,

Perſons entitled to the Equity of Redemption of Lands veſted in the People, to prove, before a Judge, the Payment made on the Mortgage;

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That where any Perſon or Perſons entitled to the Equity of Redemption of Lands, Tenements or Hereditaments, veſted in Manner aforeſaid, in the People of this State, ſhall be deſirous to redeem and diſcharge the Incumbrances thereon, or who have redeemed and diſcharged the Incumbrances on ſuch Lands, Tenements or Hereditaments, ſince the twelfth Day of *May*, One Thouſand Seven Hundred and Eighty-four, it ſhall and may be lawful to and for all and every ſuch Perſon or Perſons, to apply to any one of the Judges having Authority to take Proofs and Acknowledgements of the due Execution of Mortgages, in the City or County wherein the ſame Lands, Tenements or Hereditaments may be ſituated, and to produce to ſuch Judge the Evidence reſpecting ſuch Mortgage, and the Payments made thereon. And if the Judge, on ſatisfactory Teſtimony, ſhall be able to aſcertain the Balance in arrear on ſuch Mortgage, he ſhall, after due Examination, certify under his Hand and Seal, to the Treaſurer of the State, and to the Clerk of the City or County in whoſe Office the Mortgage may be regiſtered, the Balance which ſhall ſo appear to him to be juſtly due thereon; and upon producing ſuch Certificate to the Treaſurer, and tender, in the Manner which the Law directs, of ſuch Balance, the Treaſurer ſhall, and he is hereby authoriſed and directed to receive the ſame, and to ſign a Certificate of ſuch Receipt; which Certificate, being acknowledged by him, or proved by the Oath of one or more Witneſſes, in the Manner directed by the ſaid Act with Reſpect to the Certificate of the Mortgagee, or his Repreſentative, and being filed with the Certificate of the Judge firſt mentioned, in the Office of the Clerk of the City or County where ſuch Mortgage ſhall be regiſtered, it ſhall and may be lawful to and for the ſaid Clerk, and he is hereby required to enter in the Book of Mortgages, a Minute of the ſaid Certificates; which Minute ſo entered, ſhall operate as a full and abſolute Bar to all and every ſuch Mortgage and Mortgages, to all Intents and Purpoſes whatſoever. *Provided*, That with Reſpect to ſuch Perſons who have redeemed or diſcharged the ſaid Incumbrances on ſuch Lands, Tenements or Hereditaments, ſince the twelfth Day of *May*, One Thouſand Seven Hundred and Eighty-four, it ſhall only be neceſſary for the ſaid Perſons reſpectively, to produce the Certificate of Diſcharge given by the Treaſurer on Payment, and upon Proof of the ſame in Manner aforeſaid, it ſhall be lawful for the ſaid Clerks, and they are hereby reſpectively required to enter in the Book of Mortgages, a Minute of the ſaid Certificates reſpectively, which ſhall operate as a Diſcharge in like Manner as aforeſaid.

And he ſhall certify the Balance in Arrear to the Treaſurer,

Who ſhall receive the ſame, and give a Certificate thereof,

Which being proved and filed with the Clerk of the County, and a Minute thereof made in the Book of Mortgages, ſhall operate as a Bar to every ſuch Mortgage.

But where Incumbrances on ſuch Lands have been diſcharged ſince 12th of *May*, 1784, the Treaſurer's Certificate ſhall be ſufficient.

CHAP.

A.D. 1784. Inde. *U. S.* IX.

CHAP. XVIII.

An ACT *for the Payment of certain contingent Expences, and for other Purpoſes therein mentioned.*

Paſſed 29th November, 1784.

[*This Act, except the 10th, 22d, 26th and 27th Sections, is obſolete.*]

Commiſſioners of Forfeitures to ſet apart a Houſe and Lot in *John's-Town*, for a School.

X. AND *be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of forfeited Eſtates in the Weſtern Diſtrict, to ſet apart, for the Uſe of a School, the Houſe and Lot of Ground, in *John's-Town*, commonly known by the Name of the *Free-School-Houſe*, if not already diſpoſed of, conſiſting of half an Acre of Ground; any Thing in the Act for the ſpeedy Sale of confiſcated and forfeited Eſtates, within this State, and for other Purpoſes therein mentioned, paſſed 12th *May*, 1784, to the Contrary in any wiſe notwithſtanding.

Committee appointed to adviſe the Auditor.

XXII. *And be it further Enacted by the Authority aforeſaid*, That *William Denning*, *Comfort Sands*, and *Henry Remſen*, Eſquires, or any two of them, be, and are hereby appointed a Committee to adviſe and inſtruct the Auditor of the State, inſtead of *Philip Schuyler*, *Abraham Yates*, Junior, and *John Lanſing*, Junior, Eſquires, who, from the Places of their Reſidence, cannot conveniently inſtruct the ſaid Auditor, in all Caſes where he finds himſelf incompetent to the Liquidation of Accounts without ſuch Aid and Inſtructions.

Commiſſioners of Sequeſtration to file their Accounts in the Auditor's-Office,

And pay the Monies received, deducting Expences, and Fees, into the Treaſury.

On Penalty of 500l.

Auditor to publiſh this Clauſe.

XXVI. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral Perſons who have been Commiſſioners of Sequeſtration in the ſeveral Counties in this State, who have not already done it, ſhall exhibit and file in the Office of the Auditor of this State, an Account, on Oath, according to the Beſt of their Knowledge, of the perſonal Eſtate by them ſeized or ſold, by Virtue of any Law of this State, and of the Monies by them received in Conſequence of ſuch Sales, or of any Houſes, Lands or Tenements, by them leaſed on Rent, and pay ſuch Monies into the Treaſury of this States, after deducting ſuch Expences and Fees as are by Law allowed for their Services, on or before the firſt Day of *June* next; and that every ſuch Commiſſioner neglecting or refuſing ſo to do, ſhall forfeit and pay to the People of this State, the Penal Sum of *Five Hundred Pounds*, beſides Coſts, to be recovered in the Name of the Treaſurer of this State, whoſe Duty it is hereby declared to be to proſecute for the ſame; and the Auditor of this State is hereby directed to publiſh this Clauſe, in one of the News-Papers printed in the Cities of *New-York* and *Albany* reſpectively, for four Weeks ſucceſſively, within three Months from the paſſing of this Act.

No Perſon to ſue the Commiſſioners for any Act done in the Execution of their Truſt.

XXVII. *Provided nevertheleſs, and be it further Enacted by the Authority aforeſaid*, That it ſhall not be lawful for any Perſon or Perſons, to ſue or proſecute the ſaid Commiſſioners of Sequeſtration, or any of them, for any Act or Acts which they, or any of them, have done, in or about the Execution of the Truſt repoſed in them.

A. D. 1785.
Inde. U. S. IX.

LAWS of the State of NEW-YORK,

Passed in the Eighth Session of the Legislature, held at the City of New-York, by Adjournment.

CHAP. XIX.

An ACT *to amend an Act, entitled,* ‡ *An* Act *to lay a Duty of Tonnage on Vessels for defraying the Expence of the Light-House at* Sandy-Hook, *passed 12th* February, 1784. Passed 15th February, 1785.

17th Sess. Ch. 11. Revived and continued 9th Sess. Ch. 5. Obsolete.

CHAP. XX.

An ACT *to punish delinquent Jurors, Constables, and other Persons.* Passed 25th February, 1785.

Repealed 9th Sess. Ch. 41. Sec. 27.

CHAP. XXI.

An ACT *for vesting the Estate of* Philip Livingston, *late of the City of* New-York, *Esquire, deceased, in Trustees for the Payment of his Debts, and other Purposes therein mentioned.* Passed 25th February, 1785.

Private.

CHAP. XXII.

An ACT *relative to the Mortgage therein mentioned.* Passed 25th February, 1785.

Private.

CHAP. XXIII.

An ACT *to empower the present Surveyor-General to procure the Maps, Certificates, Locations, Surveys, and Returns of Surveys, Papers, and Records which are in the Possession of the late Surveyor-General of this State.* Passed 26th February, 1785.

Obsolete.

CHAP. XXIV.

An ACT *to enable the Trustees of* Southampton, *in* Suffolk *County, to fence up certain public Roads therein mentioned.* Passed 26th February, 1785.

Preamble.

WHEREAS the Trustees of the Freeholders and Commonalty of the Town of *Southampton*, in *Suffolk* County, have petitioned the Legislature at their present Meeting, that they may be enabled to fence across the public Roads running through a large Tract of Land, known by the Name of *Shenicoc Plains*, within the Township of *Southampton* aforesaid, and to fix swinging Gates at each End of the respective Roads running through the said Plains, which will prevent the Expence and Trouble of making and keeping in Repair a great Length of Fence along the main Roads running through the said Plains.

Trustees of *Southampton* to inclose *Shenicoc* Plains,

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful for the Trustees of the Freeholders and Commonalty of

A. D. 1785. Inde. U. S. IX.

the Town of *Southampton* aforeſaid, for the Time being, from Time to Time, whenever they ſhall deem it neceſſary, to encloſe within Fence the ſaid Tract of Land or Plains, at ſuch Place or Places as they ſhall deem moſt convenient: *Provided always*, That the ſaid Truſtees ſhall keep and maintain, or cauſe to be kept and maintained, on every public Road running through the Land ſo to be encloſed in Fence as aforeſaid, one or more good and ſufficient ſwinging Gate or Gates as may be neceſſary, as well for the Conveniency of the Inhabitants of the ſaid Town as for Travellers.

And erect ſwinging Gates on the Roads.

II. *And be it further Enacted by the Authority aforeſaid*, That whoſoever ſhall at any Time cut, break or otherwiſe injure ſuch Fence or Fences, when ſo put up as aforeſaid, or Stake or otherwiſe leave open, faſten up or injure any or either of ſuch Gates, when put up and provided as aforeſaid, ſhall, for each and every ſuch Offence, forfeit and pay a Sum not exceeding *Five Pounds*, to be recovered with Coſts, before any Juſtice of the Peace of the ſaid County; one Moiety of which Forfeiture ſhall be paid to the Overſeers of the Poor in the ſaid Town, to be applied to the Benefit of the Poor in the ſaid Town, and the other Moiety to the Perſon who ſhall ſue for and recover the ſame.

Penalty for injuring or leaving open Fence or Gates.

How to be recovered and applied.

CHAP. XXV.

Obſolete.

An ACT *to carry into Effect the Act of Congreſs of the 11th of* February, 1785, *providing for the Settlement of Accounts with the Indian Officers therein named.*

Paſſed 3d March, 1785.

CHAP. XXVI.

Private.

An ACT *to empower* Elizabeth Debeavois, *Widow, and* Johannis E. Lott, *and* John Vanderbilt, *Eſquires, Adminiſtrators to the Eſtate of* Jooſt Debeavois, *deceaſed, to ſell and diſpoſe of eight Acres of Land of the real Eſtate of the ſaid* Jooſt Debeavois, *for the Payment of his Debts, and other Purpoſes.*

Paſſed 7th March, 1785.

CHAP. XXVII.

An ACT *for making Proceſs in Courts of Equity effectual againſt Mortgagors who abſcond, and cannot be ſerved therewith, or who refuſe to appear.*

Paſſed 7th March, 1785.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Suit hereafter to be commenced by a Mortgagee in any Court of Equity, againſt any Mortgagor againſt whom a Subpœna or other Proceſs ſhall iſſue, ſuch Mortgagor ſhall not cauſe his, her, or their Appearance to be entered upon ſuch Proceſs in ſuch a Manner as according to the Rules of the Court the ſame ought to have been entered in Caſe ſuch Proceſs had been duly ſerved; and an Affidavit ſhall be made to the Satisfaction of ſuch Court, that ſuch Mortgagor is withdrawn out of this State, or cannot upon due Enquiry be found within the ſame, ſo as to be ſerved with ſuch Proceſs; that in ſuch Caſe, the Court out of which ſuch Proceſs iſſued, may make an order, directing ſuch Mortgagor to appear at a certain Day therein named; a Copy of which ſhall, within *Twenty Days*, be inſerted in at leaſt two of the public News-papers printed in this State, for the Term of *Eight* Weeks; and if ſuch Mortgagor do not appear within the Time limited by ſuch Order, or within ſuch

In Suits in Equity againſt an abſent Mortgagor, Court to make an Order for his Appearance.

A Copy of which to be inſerted in two News-papers,

A.D. 1785.
Inde. *U. S.* IX.

ſuch further Time as the Court ſhall appoint; then on proof made of the Publication of ſuch order in Manner aforeſaid, the Court being ſatisfied of the Truth thereof, may order the Plaintiff's Bill to be taken, *pro confeſſo*, and thereupon decree a Sale of the mortgaged Premiſſes, or only Part or Parts thereof, as to the ſaid Court ſhall ſeem juſt and right.

And if he does not appear, Bill to be taken *pro confeſſo*, and Sale decreed.

II. *Be it further Enacted by the Authority aforeſaid*, That before any Decree ſhall be made on ſuch Bill, the Court ſhall cauſe the mortgaged Premiſes to be appraiſed on Oath by two indifferent Perſons to be appointed by the Court, that the Value of the ſame may be known to the Court, as nearly as may be, before the Decree be made; and upon ſuch Decree for the Sale of the mortgaged Premiſes, or ſuch Part thereof as ſhall be thought ſufficient to diſcharge the Debt due to ſuch Mortgagee, together with his Coſts, a Writ ſhall be iſſued from ſuch Court to the Sheriff of the County where ſuch mortgaged Premiſes lie, commanding him to make ſale of the Lands decreed to be ſold at public Vendue, and to return the Monies ariſing by the Sales into Court, at a Day to be mentioned in the ſame Writ, not leſs than *Three Months* after the Teſte, and the Day on which ſuch Writ iſſued: And the ſaid Sheriff ſhall thereupon cauſe an Advertiſement or Notice of the intended Sale of ſuch Lands, to be inſerted in one or more of the public News-papers printed in this State, and continue the ſame in the ſaid Paper or Papers Weekly for *Six Weeks*, before the Day to be by him appointed for the Sale of the ſame; and at the Day ſo by him notified, ſhall proceed to ſell the ſame to the higheſt Bidder, and ſhall execute Deeds for the ſame to the Purchaſer, in ſuch Manner as the Caſe may require, and ſuch Deeds ſhall be of the ſame Validity, and as beneficial to the Purchaſer as if ſuch Deed had been executed by the Mortgagee and Mortgagor, and ſhall be judged an intire Bar againſt them and each of them, and their and each of their Heirs, both in Law and Equity; and the Monies ariſing by the Sale of the ſaid mortgaged Premiſes, ſhall be applied to pay off and diſcharge the Debt due to ſuch Mortgagee, with ſuch Coſts as the Court ſhall award, and the remainder, if any be, ſhall he put at Intereſt, on ſuch Security as the ſaid Court ſhall think ſufficient, and the ſame ſhall be paid to the Mortgagor or Mortgagors, or his, her or their Executors, Adminiſtrators or Aſſigns, upon his or their Application to the Court for the ſame: *Provided always*, That no greater Eſtate in the Premiſes ſold, ſhall at any Time be granted or conveyed by the Sheriff to ſuch Purchaſer, than would have veſted in the Mortgagee, had the Equity of Redemption been duly foreclоſed.

Before a Decree the mortgaged Premiſes to be appraiſed. *Altered as to Appraiſement, 10th Seſſ. Ch. 53.*

On a Decree for Sale a Writ to be iſſued to Sheriff to ſell,

Who is to advertiſe the Sale, and to give Deeds to the Purchaſer.

How the Monies ariſing from the Sale to be applied.

III. *Provided alſo, and be it further Enacted by the Authority aforeſaid*, That if the Mortgagor or Mortgagors ſhall at any Time before the Sale made by the Sheriff, in purſuance of ſuch Writ iſſued to him as aforeſaid, cauſe his Appearance to be duly entered in ſuch Court, and ſhall pay ſuch Coſts to the Mortgagee or Mortgagees as the ſaid Court ſhall think reaſonable; that then a Superſedeas ſhall iſſue from the ſaid Court, directed to the Sheriff to ſtay his proceeding to the Sale of ſuch mortgaged Premiſes; and upon ſuch Appearance being entered, ſuch Proceedings ſhall and may be thereupon had, as if an Appearance had been entered within ſuch Time and in ſuch Manner, as, according to the Rules of the Court, the ſame ought to have been entered, in Caſe the firſt Proceſs in the Suit had been duly ſerved.

Sale to be ſuperceded on Mortgagor's entering his Appearance, and paying Coſts,

And Proceedings to be the ſame as if the Appearance had been entered on firſt Proceſs.

IV. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes in which as aforeſaid a Decree for the Sale of the mortgaged Premiſes ſhall be made, and the Mortgagee or Mortgagees ſhall be paid the Money alledged by him, her or them, to be due as above directed, that it ſhall and may be lawful for any ſuch Mortgagor or Mortgagors, within the Space of *ſeven* Years from the Time of the Sale of ſuch mortgaged Premiſes, if he, ſhe

In all Caſes of a Decree, the Mortgagor, if aggrieved, may, within ſeven Years, compel the Mortgagee to account.

A. D. 1785. Inde. *U. S.* IX.

ſhe or they find himſelf, herſelf or themſelves aggrieved, and that the Mortgagee or Mortgagees hath received more Money than was due to him, her or them, on the Mortgage, to file his, her or their Bill in the ſaid Court, againſt ſuch Mortgagee or Mortgagees, to compel him, her or them to account with and ſettle what was really and truly the Sum due to ſuch Mortgagee or Mortgagees, at the Time of the Sale of the mortgaged Premiſes, and to refund and repay to him, her or them, what ſhall be found ſuch Mortgagee or Mortgagees hath been over paid, together with Intereſt from the Time of ſuch Payment made, with Coſts of Suit, the former Decree for the Sale of the mortgaged Premiſes notwithſtanding.

And to refund if he has been over paid.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Mortgagor or Mortgagors, by Virtue of any Writ of Habeas Corpus, or other Proceſs iſſuing out of any Court of Equity, ſhall be brought into Court, and ſhall refuſe to cauſe an Appearance to be entered according to the Rules of the Court, ſuch Court ſhall and may appoint a Clerk in Court, or Attorney of ſuch Court, to enter ſuch Mortgagor's Appearance, and ſuch Proceedings may be thereupon had in the Cauſe, as if the Party had actually appeared.

If any Mortgagor ſhall be brought into Court by Proceſs, and refuſe to enter his Appearance, Court to appoint a Clerk to enter it for him.

VI. *And be it further Enacted by the Authority aforeſaid*, That all and ſingular the Proviſions in this Act ſhall be, and hereby are extended to the ſeveral and reſpective Commiſſioners of Forfeitures appointed in Purſuance of an Act, entitled, ‡ *An* Act *for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*, paſſed 12th of *May*, 1784, within the ſeveral Diſtricts in this State, in all Caſes where any Mortgagee or Mortgagees ſhall have been attainted or convicted, and whoſe Eſtate, real and perſonal, by ſuch Attainder or Conviction has become forfeited to the People of this State, and alſo to the legal Repreſentative and Repreſentatives of every Mortgagee or Mortgagees, and Mortgagor or Mortgagors.

This Act to extend to Commiſſioners of Forfeitures and Repreſentatives of Mortgagees and Mortgagors.
‡ *7th Seſſ. Ch.* 64.

CHAP. XXVIII.

Supplementary Act 9th *Seſſ. Ch.* 53. *Repealed* 10th *Seſſ. Ch.* 46. *Sec.* 5. *Revived and amended* 10th *Seſſ. Ch.* 79.

An ACT *to authorize the United States in Congreſs aſſembled, to apppoint Commiſſioners to complete the running a certain Line of Juriſdiction therein mentioned, between this State and the Commonwealth of* Maſſachuſetts.

Paſſed 7th March, 1785.

Preamble, Reciting that an Agreement was made by Commiſſioners of *New-York* and *Maſſachuſetts*, for ſettling a juriſdiction Line.

WHEREAS an Agreement was made and entered into on the eighteenth Day of *May*, in the Year of our Lord One Thouſand Seven Hundred and Seventy-three, between Commiſſioners appointed by an Act of the Legiſlature of the late Colony of *New-York*, and Commiſſioners appointed by an Act of the Legiſlature of the late Colony of the *Maſſachuſetts-Bay*, which Agreement is in the Words following, *to wit*, " This Agreement indented, " made the eighteenth Day of *May*, in the thirteenth Year of the Reign of " his Moſt Gracious Majeſty *George* the Third, King of *Great-Britain, France* " and *Ireland*, Defender of the Faith, &c. and in the Year of our Lord " One Thouſand Seven Hundred and Seventy-three, between *John Watts*, " *William Smith*, *Robert R. Livingſton* and *William Nicoll*, Eſquires, duly " authoriſed to make ſuch Agreement by Virtue of a Law of the Province of " *New-York*, of the one Part; and *William Brattle*, *Joſeph Hawley* and *John* " *Hancock*, Eſquires, thereunto alſo duly authoriſed by Virtue of a Law of " the Province of *Maſſachuſetts-Bay*, of the other Part: WITNESSETH, " That the Commiſſaries aforeſaid being met at *Hartford*, in the Colony of " *Connecticut*, for the Settlement of a Partition Line of Juriſdiction between " the ſaid Provinces of *New-York* and the *Maſſachuſetts-Bay*, on the Eaſterly " Part of the ſaid Province of *New-York*, and from the South to the North " Boundaries of the ſaid *Maſſachuſetts-Bay*, in Purſuance of the ſaid Laws, and certain

Form of the Agreement.

A.D. 1785.
Inde. U. S. IX.

" certain Commissions respectively issued to the Commissaries above named, " by the Governors of the Provinces aforesaid; and in Compliance with the " Royal Recommendation heretofore signified to Sir *Henry Moore*, Baronet, " and *Francis Bernard*, Esquire, the then Governors of the said Provinces, by " Letters from the Right Honorable the Earl of *Shelburne*, late one of his " Majesty's principal Secretaries of State; and after having had divers Con- " ferences relative to the aforesaid Boundary of the said Provinces, they " the said Commissaries, do thereupon unanimously agree, that the following " Line, *that is to say*, A Line beginning at a Place fixed upon by the two " Governments of *New-York* and *Connecticut*, in or about the Year of our " Lord One Thousand Seven Hundred and Thirty-one, for the North-West " Corner of a Tract of Land commonly called the Oblong, or equivalent " Land, and running from the said Corner, North Twenty-one Degrees, " ten Minutes and Thirty Seconds East, as the Magnet Needle now points, " to the North Line of the *Massachusetts-Bay*, shall, at all Times hereafter, be " the Line of Jurisdiction between the said Province of the *Massachusetts-Bay*, " and the said Province of *New-York*, in all and every Part and Place where " the said Province of *New-York*, on its Eastern Boundary, shall adjoin on " the said Province of the *Massachusetts-Bay*. IN TESTIMONY WHEREOF, " the Commissaries aforesaid have hereunto set their Hands and Seals, the " Day and Year first above mentioned:" *And whereas* the Governors of the said Colonies of *New-York* and *Massachusetts-Bay*, by an Instrument in Writing, under their Hands and Seals respectively, bearing Date the eighteenth Day of *May*, in the Year One Thousand Seven Hundred and Seventy-three, signified their Approbation of the said Agreement, which said Instrument is in the Words following, *to wit:* " WE, the Governors of the Provinces afore- " said, having been present at the Execution of the Agreement aforesaid, in " Testimony of our Consent thereto, and of our Approbation thereof, " have hereunto set our Hands and Seals, at *Hartford* aforesaid, this eighteenth " Day of *May*, in the Year of our Lord One Thousand Seven Hundred " and Seventy-three, and the thirteenth Year of his Majesty's Reign:" *And whereas*, since the Settlement of the said jurisdiction Line in Manner aforesaid, Commissioners and Surveyors have been twice appointed on the Part of the said State of *New-York* and Commonwealth of *Massachusetts* respectively, to run and mark the said Line, pursuant to the said Articles of Agreement; and although such Commissioners in both Instances, proceeded in Part to run the said Line, yet they could not agree so as to complete the same; *And whereas* the Borderers on the said Line now suffer great Inconvenience and Injustice by being exposed to Taxation under the Authority of both Governments, and a Regard to their Security, and the public Tranquility require that some adequate Remedy should be provided:

The Governors of the two Colonies approved of the Agreement.

Their Certificate thereof.

Commissioners have been appointed in Pursuance of the Agreement without Effect.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful to and for the United States of *America*, in Congress assembled, and they are hereby fully authorised to appoint three skilful, judicious and disinterested Persons, as Commissioners to run out, survey, mark, and ascertain the said Line of Jurisdiction between this State and the Commonwealth of *Massachusetts*, according to the true Intent and Meaning of the Articles of Agreement herein before recited.

Congress authorised to appoint three Commissioners to run the Line,

II. *And be it further Enacted by the Authority aforesaid*, That the Line so to be run, marked and ascertained by the said Commissioners, or any two of them, according to the true Intent and Meaning of the said Articles of Agreement, shall be, and for ever hereafter remain a jurisdiction or boundary Line, as far as the same shall extend between the Commonwealth of *Massachusetts* and this State. *Provided always*, That the Commissioners so to be appointed

Which is to remain the jurisdiction Line.

Commissioners to take an Oath, and to

A.D. 1785. Inde. *U. S.* IX.

complete the Survey in two Years, and file a Return thereof in the Secretary's Office of the United States.

ſhall, before they proceed upon the Execution of their Truſt, be reſpectively ſworn, in the Preſence of a Magiſtrate, to perform the ſame faithfully and impartially, according to the Beſt of their Skill and Judgment, and ſhall, within two Years from the paſſing of this Act, complete the ſaid Survey, and make a true and exact Return thereof into the Secretary's Office of the United States in Congreſs aſſembled, in order to be there filed as a perpetual Evidence of the ſaid juriſdiction Line. *Provided alſo*, That the Legiſlature of the Commonwealth of *Maſſachuſetts* ſhall conſent to ſuch Appointment of Commiſſioners, and ſhall, within *nine Months* from the Publication of this Act, paſs a Law for veſting the United States in Congreſs aſſembled, with ſimilar Powers and Authorities as are veſted in them in and by this Act.

Governor to appoint Perſons to furniſh Commiſſioners with Proofs,

And to pay one Half of the Expences.

III. *And be it further Enacted by the Authority aforeſaid*, That the Governor, or Perſon adminiſtring the Government of this State for the Time being, ſhall be, and is hereby authoriſed to nominate and appoint one or more Perſon or Perſons, to furniſh the ſaid Commiſſioners which ſhall be appointed by Congreſs to run the ſaid juriſdiction Line, with the neceſſary Documents and Papers relative to the ſaid Line, and to diſburſe and pay, from Time to Time, the one Half of the Expences attending the Survey, as well as to pay the ſaid Commiſſioners for the one Moiety of their Services; and the Perſon or Perſons ſo nominated and appointed as aforeſaid, or any one or more of them, is, and are hereby authoriſed to draw upon and receive from the Treaſurer of this State, a Sum not exceeding *Five Hundred Pounds*, for the Purpoſes aforeſaid, and for which they ſhall be accountable to this State.

CHAP. XXIX.

Supplementary Act, 10*th Seſſ. Ch.* 103.

An ACT *for running out and marking the juriſdiction Line between this State and the Commonwealth of* Pennſylvania.

Paſſed 7th March, 1785.

Preamble, Reciting that in 1774, Perſons were appointed to run the Line between *New-York & Pennſylvania*,

WHEREAS the Honorable *Cadwallader Colden*, Eſquire, Lieutenant-Governor of the late Colony, now State of *New-York*, with the Advice of the then Council, did, on the eighth Day of *November*, One Thouſand Seven Hundred and Seventy-four, nominate and appoint *Samuel Holland*, Eſquire, to proceed, in Conjunction with Mr. *David Rittenhouſe*, or ſuch other Perſon as might be appointed on the Part of *Pennſylvania*, to fix the Beginning of the Forty-third Degree of North Latitude on the *Mohawk*, or Weſtern Branch of *Delaware*, and to proceed Weſtward, as far as the Seaſon would permit, along the Beginning of the ſaid Degree, which is the Boundary between this State and the State of *Pennſylvania*: *And whereas* the Honorable *John Penn*, Eſquire, late Governor of the late Colony, now Commonwealth of *Pennſylvania*, did, on the Twenty-fourth Day of *October*, in the Year aforeſaid, nominate and appoint the ſaid *David Rittenhouſe* to proceed on the like Service, in Conjunction with the ſaid *Samuel Holland*, or ſuch other Perſon as ſhould be appointed on the Part of the then Colony, now State of *New-York*: *And whereas* the ſaid *Samuel Holland* and *David Rittenhouſe* did, in Purſuance of their ſaid reſpective Appointments, proceed on the ſaid Buſineſs, and made a Return thereof under their Hands, bearing Date at *Philadelphia*, the fourteenth Day of *December*, in the ſame Year; by which Return it appears, that the ſaid Commiſſioners aſcertained and fixed the Beginning of the Forty-third Degree of North Latitude on the *Mohawk*, or Weſtern Branch of *Delaware*, and there in a ſmall Iſland planted a Stone, with the Letters, { NEW-YORK, 1774. } cut on one Side, and on the Top, LAT. 42°: VAR. 4°: 20′; thence due Weſt, on the Weſt Side of *Delaware* River, they collected a Heap of Stones at High-Water Mark, and in the ſaid Weſt

Who proceeded on the Buſineſs,

A. D. 1785. Inde. U. S. IX.

West Line, four Perches distant, planted another Stone, with the Letters, { PENNSYLVANIA, 1774. } cut on the South Side, and on the Top, LAT. 42°: VAR. 4°: 20′; and from thence due West eighteen Perches, marked an Ash Tree; and that the Rigour of the Season prevented them from proceeding further, as by the Report of the said Commissioners, filed with a Map annexed thereto, and filed of Record in the Secretary's Office of this State, will more fully appear. *And whereas* it is necessary the said Line should be run out, marked and ascertained;

But did not complete it.

I. *Therefore, be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Person administring the Government of this State for the Time being, by and with the Advice and Consent of the Council of Appointment, shall forthwith, after the passing of this Act, appoint and commission, under the Great Seal of this State, three Commissioners; that the said Commissioners, or any two of them, are hereby authorised, on the Part of this State, to meet with such Person or Persons who may be appointed and authorised on the Part of the Commonwealth of *Pennsylvania*, at such Time or Times, Place or Places, as shall be agreed upon and determined by the Persons administring the Government of this State for the Time being, and the Commonwealth of *Pennsylvania*, then and there to run out, mark and ascertain the said Line of Jurisdiction between this State and the Commonwealth of *Pennsylvania*; beginning at the Place so fixed and ascertained by the said Commissioners as above mentioned, on the *Mohawk*, or Western Branch of *Delaware*, at the Beginning of the Forty-third Degree of North Latitude, and from thence to proceed Westward, along the Beginning of the said Forty-third Degree of North Latitude, as far as this State and the said Commonwealth of *Pennsylvania* border on each other.

Council of Appointment to appoint three Persons to meet Commissioners on the Part of *Pennsylvania*, to run out the Line aforesaid.

II. *And be it Enacted by the Authority aforesaid*, That the said Commissioners, or any two of them, be, and they are hereby authorised and empowered to employ a Surveyor or Surveyors, Chain-bearers, and such and so many other Persons as may be found necessary to perform the executive Part, in running, marking and ascertaining the said Line, in Conjunction with such Person or Persons as may be appointed on the Part of the Commonwealth of *Pennsylvania*, for that Purpose; and such Line so agreed upon, approved of, and consented to by the said Commissioners, or any two of them, and such Person or Persons as shall be appointed by and on the Part of the Commonwealth of *Pennsylvania*, being reported to the Persons administring the Government of this State, and the Commonwealth of *Pennsylvania*, for the Time being, and ratified and confirmed by the Legislature of this State and the Legislature of the Commonwealth of *Pennsylvania*, shall hereafter be the Line of Jurisdiction between this State and the Commonwealth of *Pennsylvania*.

Commissioners empowered to employ Surveyors, &c.

The Line agreed upon by them, and ratified by the Legislatures of the two States, to be the Line of Jurisdiction.

III. *And be it Enacted by the Authority aforesaid*, That the said Commissioners, or any two of them, be, and they are hereby authorised, from Time to Time, to draw upon the Treasurer of this State, for such Sums of Money as they shall judge necessary for defraying the Expences of running out, marking and ascertaining the said jurisdiction Line, on the Part of this State, not exceeding in the Whole the Sum of *One Thousand Pounds*, for which they are to be accountable.

Commissioners to draw Monies from the Treasury to defray Expences.

CHAP. XXX.

An ACT *for the Relief of the Collectors of the Tax therein mentioned.*

Obsolete.

Passed 10th March, 1785.

CHAP.

A. D. 1785.
Inde. U. S. IX.

CHAP. XXXI.

An ACT *for the Preſervation of Deer and Heath-Hens, and to prevent Damages by firing the Woods in the County of* Suffolk.

Paſſed 11th March, 1785.

Repealed,
As to Woods, 11th Seſſ. Ch. 71. Sec. 4.
As to Deer, 11th Seſſ. Ch. 82. Sec. 5.
As to Heath-Hens, 12th Seſſ. Ch. 36. Sec. 2.

Obſolete.

CHAP. XXXII.

An ACT *for cancelling the Bills of Credit therein mentioned.*

Paſſed 12th March, 1785.

CHAP. XXXIII.

An ACT *for the Indemnification of the Commiſſioners of Sequeſtration, and the Commiſſioners of Forfeitures, and the Leſſees under them, and for other Purpoſes therein mentioned.*

Paſſed 14th March, 1785.

Commiſſioners of Sequeſtration indemnified for Leaſes made by them,

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the late Commiſſioners of Sequeſtration within the ſeveral Counties of this State, ſhall be, and they are hereby declared to be indemnified for all and every Leaſe and Leaſes made or given by them, of Lands and Tenements, the Property of Perſons who, at any Time during the late War, had gone over to, remained with, or joined the Enemy.

And no Suits to be maintained againſt them, or Perſons holding under them.

And that no Suit or Suits already brought, ſhall be maintained, or hereafter commenced againſt the ſaid Commiſſioners of Sequeſtration, or againſt any Perſon or Perſons holding under them, by any Perſon or Perſons claiming Property in or to ſuch Lands and Tenements:

The like Indemnification to Commiſſioners of Forfeitures, and their Leſſees, but not to bar Suits for Waſte.

And ſuch Indemnification ſhall alſo be, and hereby is extended to the Commiſſioners of Forfeitures for the ſeveral Diſtricts of this State, and the Leſſees under them. *Provided always,* That nothing herein contained ſhall be conſtrued to bar or preclude any Suit or Suits, which may be brought for the Recovery of Damages ſuſtained by wanton and unneceſſary Waſte and Deſtruction.

Commiſſioners of Forfeitures may leaſe certain Lands for one Year.

II. AND *whereas* certain Lands, Tenements and Hereditaments, forfeited to the People of this State, are ſo circumſtanced that they cannot be ſpeedily ſold, and no Authority is veſted in the Commiſſioners of Forfeitures to demiſe the ſame after the firſt Day of *May* next; *Be it therefore Enacted by the Authority aforeſaid,* That the Commiſſioners of Forfeitures for the ſeveral Diſtricts of this State, ſhall be, and hereby are authoriſed to demiſe ſuch Lands, Tenements and Hereditaments, for any Term not exceeding one Year, after the firſt Day of *May* next.

CHAP. XXXIV.

‡ *8th Seſſ. Ch. 7. Repealed 10th Seſſ. Ch. 81. Sec. 38.*

An ACT *to explain and amend an Act, entitled,* ‡ *An* Act *impoſing Duties on certain Goods, Wares and Merchandize imported into this State, paſſed 18th* November, 1784.

Paſſed 15th March, 1785.

CHAP. XXXV.

Supplementary Act, 11th Seſſ. Ch. 58.

An ACT *to prevent the Exportation of unmerchantable Flour, and the falſe Tareing of Bread and Flour Caſks.*

Paſſed 16th March, 1785.

Preamble.

WHEREAS it is neceſſary that great Care be taken to preſerve the Reputation of Flour, one of the Staple Commodities of this State;

I. *Be*

A. D. 1785.
Inde. *U. S.* IX.

I. *Be it therefore Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That every Bolter of Flour, and Baker of Bread, for Exportation from this State, ſhall, each one for himſelf, provide and have a diſtinguiſhable Brand-Mark, with the initial Letter of his Chriſtian Name, and his Surname at full Length, and ſhall therewith brand each and every Caſk of Flour and Biſcuit of his own bolting or baking for Exportation from this State, before the ſame be removed from the Place where the ſame ſhall be ſo bolted or baked, under the Penalty of *One Shilling* for every Caſk ſo removed and not branded as aforeſaid.

Every Bolter and Baker to have a Brand-Mark, and to mark every Caſk of Flour or Biſcuit, bolted or baked for Exportation, before removed from where it was bolted or baked.

II. *And be it further Enacted by the Authority aforeſaid,* That all Wheat Flour bolted for Exportation as aforeſaid, ſhall, by the Bolter thereof, be made merchantable, and of due Fineneſs, and honeſtly and well packed in good ſtrong Caſks well made, and of Staves well ſeaſoned, with the Tare of the Caſks marked thereon; and each and every Caſk thereof ſhall be well hooped with ten Hoops at leaſt, three of which to be on each Head, and ſhall be well and ſufficiently nailed before the ſame ſhall be removed or carried from the Place where the ſame ſhall be packed as aforeſaid; and every Bolter offending in all or any of the Premiſes, ſhall forfeit and Pay, for every ſuch Offence, the Sum of *Two Shillings*. And to prevent Flour in Caſks from being packed too hard, and to render the weighing of every Caſk unneceſſary, there ſhall be but two Sizes, one of which Sizes to contain *Two Hundred and Twenty-four* Pounds neat, and the other Size *One Hundred and Ninety-ſix* Pounds neat; and for that Purpoſe the Caſk ſhall be made of the following Dimenſions; *that is*, Such as is to contain Two Hundred and Twenty-four Pounds, the Staves ſhall be of the Length of Twenty-ſeven Inches, and the Diameter of each Head eighteen Inches; and thoſe that are to contain One Hundred and Ninety-ſix Pounds neat, to be alſo of the Length of Twenty-ſeven Inches, and the Diameter of each Head ſixteen Inches and an Half, and the Caſks ſhall be made nearly ſtraight, for the Convenience of ſtowing in Veſſels, and on the Head of each Caſk of Flour ſhall be branded with a Branding-iron, the neat Weight of each Barrel.

All Flour for Exportation to be made of due Fineneſs, and well packed in good Caſks, with the Tare marked thereon.

Caſks how to be made.

Flour Caſks to be but of two certain Sizes.

III. *And be it further Enacted by the Authority aforeſaid,* That if any Perſon or Perſons ſhall put a falſe Brand of the Weight on any Caſk of Flour, ſuch Perſon ſhall forfeit, for every Caſk ſo falſely branded, the Sum of *Ten Shillings*, or ſhall put a falſe or wrong Tare on any Caſk of Flour or Bread to the Diſadvantage of the Purchaſer, he, ſhe or they, ſhall forfeit and pay, for every ſuch Caſk falſely tared as aforeſaid, the Sum of *Five Shillings*, to the Inſpector or other Perſon diſcovering the ſame, to be recovered before any Juſtice of the Peace in the County where the Fraud is committed.

Any Perſon putting a falſe Brand of the Weight or wrong Tare on any Caſks, liable to a Penalty, and how to be recovered and applied.

IV. *And be it further Enacted by the Authority aforeſaid,* That no Flour ſhall be ſhipped for Exportation out of this State, before the ſame Flour ſhall have been ſubmitted to the View and Examination, and been inſpected and approved by one of the Inſpectors to be appointed by Virtue of this Act, who ſhall bore the Head of each Barrel or Caſk, and pierce the ſame through with an Inſtrument contrived for that Purpoſe, and examine, try and determine whether the ſame Flour is of due Fineneſs, and whether it has not been injured by being ground too cloſe, or by ſome other Means, ſo as to prevent its riſing properly, and making light Bread, and alſo whether it is honeſtly packed, and ſhall then plug up the Hole: And if the ſaid Inſpector ſhall judge the ſame Flour to be merchantable, and of due Fineneſs, and that the ſame has not been injured in the manufacturing, or wet, or otherwiſe damaged, and that the ſame is honeſtly and well packed, in ſuch Caſks, ſo made, marked and branded as aforeſaid, then, and not otherwiſe, he ſhall brand

No Flour to be exported, without being inſpected.

And if found by the Inſpector to be merchantable, and well packed in proper Caſks, to be branded with his Name, & the Name of the County where inſpected.

A. D. 1785. Inde. *U. S.* IX.

every ſuch Caſk of Flour on the Quarter, in a fair and diſtinguiſhable Manner, with the initial Letter of his Chriſtian Name, and his Surname at full Length, with the Name of the County in which it is inſpected; for which Trouble the ſaid Inſpector ſhall receive *One Penny Half-penny* per Caſk, and no more; the one Half to be paid by the Seller and the other Half by the Purchaſer. And the ſaid Inſpectors are hereby ſtrictly charged not to brand any Caſk of Flour for Exportation, although the Flour ſhould be of due Fineneſs, unleſs it ſhall appear to them that the ſame Flour has not been injured in the manufacturing, and that it is merchantable, nor unleſs the ſame be honeſtly and well packed in good ſtrong Caſks, well made, and of Staves well ſeaſoned and hooped, and branded in the Manner herein before directed, and the Tare marked on each Caſk.

For which he ſhall receive a *Penny half-penny* per Caſk. By whom to be paid.

If any Flour is found unfit for Exportation, the Inſpector to be paid by the Owner.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Flour, upon Inſpection, is judged by the Officer inſpecting the ſame, to be unfit for Exportation, the Owner or Poſſeſſor thereof ſhall pay the Inſpector *One Penny Half-penny* per Caſk, for every Caſk ſo rejected.

No Flour to be ſhipped unleſs branded by the Inſpector, on Penalty of forfeiting the ſame.

How Forfeitures are to be recovered and applied.

VI. *And be it further Enacted by the Authority aforeſaid*, That no Flour whatſoever, not branded as aforeſaid, by one of the ſaid Inſpectors, as and for good and merchantable Flour, ſhall be ſhipped for Exportation out of the State, under the Penalty of Forfeiture and Loſs of the full Value of all ſuch Flour ſo ſhipped; one half Part thereof to be paid to the Treaſurer of this State, for the Uſe of the People thereof, and the other Half thereof to ſuch Perſon as ſhall inform and ſue for the ſame, in any Court of Record in this State, by Action of Debt, or on the Caſe.

Penalty for exporting Flour not inſpected.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall export out of this State, any Flour not inſpected or branded by one of the ſaid Inſpectors, ſuch Exporter, and the Maſter of ſuch Veſſel carrying ſuch uninſpected or unbranded Flour out of this State, ſhall, upon Conviction of ſuch Offence, in any Court of Record in this State, ſeverally forfeit the Sum of *Forty Shillings* for every ſuch Caſk ſo exported or carried out of this State, to be recovered and applied in the Manner directed in the preceding Clauſe of this Act.

Inſpectors may enter on Board any Veſſel to ſearch for Flour ſuſpected to be ſo ſhipped,

VIII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Inſpectors, and every of them, ſhall have full Power and Authority by Virtue of this Act, and without any further or other Warrant, to enter on Board any Veſſel whatſoever, in the Harbours of the City of *New-York*, *Albany*, or in any of the Counties within this State, to ſearch for and make Diſcovery of any Flour ſhipped or ſhipping on Board any ſuch Veſſel for Exportation immediately from thence out of this State. And if the ſaid Inſpectors, or either of them, ſhall, on ſuch Search, diſcover any Caſk or Caſks of Flour not branded as before directed, the Perſon or Perſons ſo ſhipping the ſame, ſhall forfeit all and every ſuch Caſk and Caſks of Flour ſo ſhipped or ſhipping, and not branded in the Manner before directed. And the Maſter or Commander of ſuch Veſſel, who ſhall receive any ſuch Caſk or Caſks of Flour not branded as aforeſaid, ſhall forfeit and pay, for each Caſk ſo received on Board his Veſſel, the Sum of *Ten Shillings:* And if any Perſon ſhall obſtruct or hinder the ſaid Inſpectors, or either of them, in making ſuch Search as aforeſaid, every Perſon ſo offending ſhall forfeit and pay the Sum of *Fifty Pounds*.

And if any is found, it ſhall be forfeited,

And the Maſter of the Veſſel liable to a Penalty.

All Flour for Exportation to be inſpected at or after the Purchaſe, altho' before inſpected, under a Penalty.

IX. *And be it further Enacted by the Authority aforeſaid*, That all Flour purchaſed for Exportation, ſhall be inſpected in the Manner aforeſaid, at or after the Time the ſame ſhall be ſo purchaſed for Exportation; and if any Purchaſer of Flour for Exportation, ſhall not have the ſame inſpected as aforeſaid,

aforeſaid, at or after the Time of ſuch Purchaſe, ſuch Purchaſer ſhall forfeit and pay, for every ſuch Caſk of Flour, the Sum of *Ten Shillings*, although the ſaid Flour may have been inſpected and branded at any Time before the ſaid Purchaſe.

If any Diſpute ariſes where the Flour was manufactured, the Owner to prove the ſame.

X. *And be it further Enacted by the Authority aforeſaid*, That if any Diſpute ſhall ariſe between the Owner or Poſſeſſor of any Flour offered to be inſpected, and the Inſpector or Inſpectors, concerning the Place where ſuch Flour offered for Inſpection was manufactured, the Owner or Poſſeſſor thereof ſhall prove, by himſelf, or one credible Witneſs, upon Oath, or if of the People called Quakers, Affirmation, before any Juſtice of the Peace, to the Beſt of his Knowledge and Belief, where ſuch Flour was manufactured.

No Inſpector to mark as inſpected, any Caſk of Flour, unleſs the Manufacturer's Name is marked thereon.

XI. *And be it further Enacted by the Authority aforeſaid*, That no Inſpector of Flour ſhall brand or mark as inſpected, or cauſe to be branded or marked, any Caſk of Flour wherever manufactured, unleſs the initial Letter of the Chriſtian Name, and the Surname at full Length, of the Manufacturer, be firſt branded thereon.

Council of Appointment to appoint the Inſpectors,

XII. *And be it further Enacted by the Authority aforeſaid*, That his Excellency the Governor, by and with the Advice and Conſent of the Council of Appointment, ſhall, from Time to Time, appoint one Inſpector of Flour in the reſpective Cities of *New-York* and *Albany*, and as many Inſpectors of Flour in each County within this State, as to the ſaid Council ſhall appear neceſſary.

And the Inſpectors of *New-York* and *Albany* to appoint Deputies under them, and to be reſponſible for their Conduct.

And that it ſhall be lawful for the reſpective Inſpectors for the ſaid Cities of *New-York* and *Albany*, by Writing under their Hands and Seals, to appoint as many Deputies as they ſhall think neceſſary to aſſiſt them in the Execution of their Offices, and to diſplace them at their Pleaſure; for whoſe faithful Conduct they ſhall be reſponſible; and all Acts of ſuch Deputies ſhall be performed in the Name of their reſpective Principals.

Inſpectors to take an Oath.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Inſpectors to be appointed in Purſuance of this Act, before they enter upon the Execution of their reſpective Offices, ſhall take the following Oath, or if of the People called Quakers, Affirmation, before one of the Judges of the Inferior Court of Common Pleas; but if in the City or County of *New-York*, before the Mayor or Recorder of the ſaid City:

Form of the Oath.

I A. B. *do ſwear, or if of the People called Quakers, affirm, That I will faithfully, truly, and impartially, according to the Beſt of my Judgment, Skill and Underſtanding, execute, do and perform the Office and Duty of an Inſpector and Examiner of Flour, according to the true Intent and Meaning of the Laws of this State relative to the ſame.* So HELP ME GOD.

Proprietors of Flour may ſhip the ſame directly from the Place where inſpected.

XIV. *And be it further Enacted by the Authority aforeſaid*, That the Proprietor or Proprietors of any Flour inſpected in the City and County of *Albany*, or in any of the Counties within this State, as by this Act is directed, ſhall and may ſhip the ſame directly out of this State, from the Place where the ſame was inſpected, without being obliged to have the ſame reinſpected.

Inſpectors to furniſh themſelves with an additional Brand, to mark the Word, *Superfine*, on Caſks inſpected, which they judge to be ſuperfine.

XV. *And be it further Enacted by the Authority aforeſaid*, That the Inſpectors to be appointed in Purſuance of this Act, ſhall each of them provide himſelf with a Brand-Mark, in Addition to thoſe they are already by this Act required to have, to brand the Word, *Superfine*, and they and each of them are hereby required and directed to brand the Word *Superfine* on all ſuch Caſks as they ſhall have inſpected, and which they ſhall judge to be ſuperfine Flour, and no other. And each of the ſaid Inſpectors ſhall, if they find any Caſk

A. D. 1784. Indc. *U. S.* IX.

Caſk of Flour marked by the Proprietor or Manufacturer with the Word *Superfine*, and which upon Inſpection they ſhall find not to be ſuperfine, eraſe or cut out ſaid Mark.

No Inſpector to purchaſe condemned Flour, nor any other except for their own Uſe.

XVI. *And be it further Enacted by the Authority aforeſaid*, That no Inſpector of Flour ſhall purchaſe any Flour by them reſpectively condemned, nor any Flour whatſoever, other than for their own particular and private Uſe, under the Penalty of *Fifty Pounds*, to be recovered by Action of Debt.

Any Inſpector not actually employed, who ſhall refuſe to inſpect Flour on Application made to him, ſubject to a Penalty.

XVII. *And be it further Enacted by the Authority aforeſaid*, That if any Inſpector of Flour, not then actually employed in the Examination of Flour, according to the Powers and Authorities given by this Act, ſhall, on Application to him made to examine and inſpect any Flour as aforeſaid, refuſe, neglect or delay to proceed to ſuch Examination or Inſpection, for the Space of *three Hours* after ſuch Application ſo made, every Inſpector ſo refuſing, neglecting or delaying to make ſuch Examination and Inſpection, ſhall, for each Offence, forfeit and pay the Sum of *Twenty Shillings*, to the Uſe of the Perſon or Perſons ſo delayed.

Any Perſon who ſhall counterfeit or alter Brand-Marks, to forfeit 100l.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall counterfeit or alter any of the aforeſaid Brand-Marks, whether State or private, he, ſhe or they, ſhall forfeit and pay for every Offence, the Sum of *One Hundred Pounds*.

Any Perſon emptying Flour out of Caſks inſpected, to put in other Flour, without deſtroying the Mark, to forfeit 50l.

XIX. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall empty any Caſks of Flour inſpected and branded as aforeſaid, in order to put in other Flour for Sale or Exportion, into any Caſk ſo branded as aforeſaid, without cutting out the ſaid Brand-Marks, every Perſon ſo offending ſhall forfeit and pay the Sum of *Fifty Pounds*.

Inſpectors to ſue for all Fines and Forfeitures inflicted by this Act.

How to be recovered and applied.

XX. *And be it further Enacted by the Authority aforeſaid*, That the Inſpectors to be appointed in Purſuance of this Act, and every of them, are hereby authoriſed and directed to ſue for all Fines and Forfeitures mentioned in this Act, except ſuch as are herein otherwiſe directed to be recovered and applied; which Fines and Forfeitures ſhall, and may be ſued for and recovered together with Coſts, in any Court of Record in this State, having Cognizance of the ſame, by Action of Debt or on the Caſe; the one Half of which ſaid Fines and Forfeitures, when recovered, ſhall be paid to the Treaſurer of this State, for the Uſe of the People thereof, and the other Half thereof ſhall be to the Uſe of the Inſpector or Inſpectors that ſhall ſue for and recover the ſame.

When this Act ſhall be in Force.

XXI. *And be it further Enacted by the Authority aforeſaid*, That this Act ſhall not be in Force until the Riſing of the Legiſlature at the preſent Meeting, and with Reſpect to the Size of Caſk, ſhall not be in Force until the firſt Day of *October* next.

CHAP. XXXVI.

Private. Will expire 31*ſt* December, 1796.

An ACT *to exempt* Simeon Smeed *and* Niles Higginbottom, Daniel Platt *and* Benjamin Platt, *from paying any Part or Share of the Produce of the Mines therein mentioned.*

Paſſed 16th March, 1785.

CHAP. XXXVII.

Repealed as to Terms, 10th Seſſ. Ch. 10. Sec. 11. The Reſt is obſolete.

An ACT *to alter the Terms and continue the Proceſſes of the Inferior Courts of Common Pleas and General Seſſions of the Peace in the County of* Waſhington.

Paſſed 16th March, 1785.

CHAP.

CHAP. XXXVIII.

A.D. 1785.
Inde. *U. S.* IX.

An ACT *to amend an Act, entitled,* ‡ *An* Act *for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads, in the Counties of* Ulster, Orange, Dutchess, Washington, Westchester, Albany, *and* Montgomery, *passed the 4th Day of* May, 1784; *and to extend the same to the County of* Suffolk. Passed 16th March, 1785.

‡ *7th Sess. Ch.* 52.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That the Thirty-third Section of the Act, entitled, *An* Act *for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads, in the Counties of* Ulster, Orange, Dutchess, Washington, Westchester, Albany *and* Montgomery, *passed the 4th Day of* May, 1784, be, and the same is hereby repealed.

Clause of an Act herein recited, declared to be repealed.

[*The second Section of this Act is repealed* 12th *Sess. Ch.* 14. *Sec.* 15. *and the third Section is become obsolete.*]

IV. AND *whereas* there has been an Omission of recording in the County Records, the laying out of many of the public Highways in *Dutchess* County, by Reason whereof, several of the Roads which have been used as public Highways, have been stopped up, and it is expected that the same will be done to others, to the great Damage of the Public: For preventing whereof, *Be it Enacted by the Authority aforesaid,* That all public Highways, which have been used as such for the Space of Twenty Years last past, shall be taken, deemed and adjudged in the Law, to be public Highways, and be subject to be altered and amended, in the same Manner as other public Highways, by the Laws of this State, may be altered and amended.

All Roads which have been public 20 Years, to continue so, and be amended as others are.

V. *And be it further Enacted by the Authority aforesaid,* That whenever it can be proved by credible Witnesses, that a public Highway has been laid out within Twenty Years by the Commissioners authorised by Law to lay out public Highways, and that the same has been since used as a public Highway, and that the Commissioners who laid out such public Highway are dead, the same shall be taken, deemed and adjudged to be a public Highway, although it may not have been recorded in the County Records.

Roads proved to have been laid out within Twenty Years, by Commissioners who are dead, and used as such, altho' not recorded, to be considered as public Roads.

VI. *And be it further Enacted by the Authority aforesaid,* That the Persons hereafter to be chosen Commissioners to lay out and regulate Highways and Roads, before they execute any of the Powers mentioned in the hereby amended Act, shall, instead of the Oath prescribed in the Twenty-third Section of the said Act, respectively take the following Oath; *That is to say,*

Commissioners hereafter to be chosen to take an Oath.

I *do solemnly swear, (or if of the People called Quakers, affirm) that I will, to the Best of my Knowledge, faithfully and impartially execute the Powers to me given and granted by an Act, entitled,* An *Act* for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads, in the Counties of *Ulster, Orange, Dutchess, Washington, Westchester, Albany* and *Montgomery.* SO HELP ME GOD.

Form of the Oath.

See 11*th Sess. Ch.* 64. *Sec.* 11.

CHAP. XXXIX.

An ACT *for the Partition of Lands.*

Passed 16th March, 1785.

WHEREAS many Tracts of Land in this State are held by divers Persons as Joint-Tenants, Tenants in Common, and Coparceners, and such Tracts cannot by Law be divided by Reason of the Absence, Infancy or Coverture of some of the Proprietors, to the great Detriment of the Owners, and the Prejudice of Agriculture;

Preamble.

A. D. 1785. Inde. *U. S.* IX.

Proprietors of undivided Lands may ſubſcribe and publiſh a Notice, that Commiſſioners, naming them, are appointed to make Partition thereof; and that they will meet at a certain Time and Place, and require all Perſons intereſted to attend;

I. *Be it therefore Enacted by the People of the State of New-York, repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That any one or more of the Proprietors of any Tract or Tracts, Parcel or Parcels of Land which now are, or hereafter may be undivided, incline to have Partition thereof, may ſubſcribe a Writing, and publiſh the ſame in any one or more of the public News-papers printed in the City of *New-York*, and one or more of the public News-papers printed in the City of *Albany*, except the Lands to be divided, lie in the Southern Great Diſtrict, in which Caſe ſuch Advertiſements may be publiſhed only in one or more of the News-papers printed in the City of *New-York*, twelve Weeks, directed in general to all Perſons intereſted in ſuch Tract or Parcel of Land, ſpecifying the Bounds thereof, and giving Notice, that three Commiſſioners, not intereſted in ſuch Tract or Parcel of Land, naming them and their Places of Abode, are appointed to make ſuch Partition, and that they will meet at a certain Day and Place to be alſo therein mentioned, and to be within ten Days after the ſaid twelve Weeks are expired, to proceed to the Partition of the ſaid Lands, and requiring all Perſons intereſted therein, to attend then and there for that Purpoſe, either by themſelves or their Attornies; and if no Objection to any of the ſaid Commiſſioners be offered in Writing to any one of the Judges of the Supreme Court, or of the Inferior Court of Common Pleas of the County in which the greateſt Part of the Lands lie, and a Notice of ſuch Objection in Writing ſerved upon the Subſcriber or Subſcribers to the Notice ſo directed to be publiſhed, or any one of them, and within nine Weeks after the firſt Publication thereof, then the Commiſſioners ſo to be named, ſhall perform the Duties required of them by this Act; but if ſuch Objection and Notice be made and given, the Judge to whom it was offered ſhall appoint the Parties a Day and Place, within ten Days after nine Weeks from the firſt Publication of the Notice are expired, and then and there hear and determine ſuch Objections, and appoint other fit and unintereſted Perſons in the Room of thoſe he may think proper to remove as unfit; and ſuch Perſons ſo appointed ſhall thenceforth be the Commiſſioners for executing the Powers given to Commiſſioners by Virtue of this Act, and ſhall, before they proceed to execute their Offices, be ſeverally ſworn, or if of the People called Quakers, affirmed, before one of the Judges of the ſaid Supreme Court, or before any of the Judges of any Inferior Court of Common Pleas, to perform the Truſt and Services required of a Commiſſioner by this Act, fairly and impartially, according to the Direction thereof, and the Beſt of his Skill and Judgment; and a Certificate of their being ſo ſworn or affirmed from the Perſon adminiſtring the Oath, ſhall be filed with the Reſt of the Proceedings, as hereafter directed.

And if no Objections are made to the Commiſſioners, they are to perform the Duty required of them by this Act;

But if Objections are made, a Time to be appointed for hearing them, and for appointing other Commiſſioners.

Commiſſioners to be ſworn.

II. *And be it further Enacted by the Authority aforeſaid,* That the ſame Commiſſioners ſo to be appointed, ſhall afterwards publiſh a Notice or Advertiſement in one or more of the public News-papers printed in the City of *New-York*, and one or more of the public News-papers printed in the City of *Albany*, except the Lands to be divided lie in the Southern Great Diſtrict, in which Caſe ſuch Advertiſement may be publiſhed only in one or more of the News-papers printed in the City of *New-York*, ſignifying their ſaid Appointment, and that at a certain Day and Place, to be mentioned, they will meet to proceed on the ſaid Partition; and that they deſire all Perſons concerned to attend accordingly, which ſaid Notice ſhall be ſo publiſhed ſix Weeks before the Day of Meeting. And when the Commiſſioners have aſcertained who, and how many the Patentees of the Lands to be divided were, they ſhall, as ſoon as conveniently may be, cauſe a Survey to be made of the Lands to be divided, in their Preſence, and having ſet apart ſuch Portion thereof as they conceive to be ſufficient to defray the Expence of the Partition, the Reſidue ſhall be divided into as many Allotments as the Commiſſioners

Commiſſioners to give public Notice of their Appointment in the News-papers, and to fix a Time for their Meeting.

When they have aſcertained the Number of Proprietors, ſhall cauſe the Land to be divided, to be ſurveyed, and a Part to be ſet apart to defray Expences, and divide the Reſidue into Allotments.

A. D. 1785. Inde. *U. S.* IX.

Commiſſioners ſhall judge beſt, according to the Quantity, Quality and Situation of the Land to be divided; after which they ſhall cauſe every Allotment to be divided into as many Lots as there were Patentees, as nearly equal as poſſible, having due Regard in the Partition to the Situation, Quantity and Quality thereof, ſo that the Patentees, and thoſe holding their ſeveral Rights, may have equal Shares in Value, as near as may be. *Provided always*, That in ſuch Caſe where the Patentees of any Tract of Land have added to the Number of original Owners thereof, by conveying or diſpoſing of ſuch Part or Parts of their original undivided Shares to any other Perſon or Perſons, whereby the ſaid Perſon or Perſons and the ſaid Patentees became ſeverally Owners of equal undivided Shares of ſuch Tract of Land, then, and in ſuch Caſe, the Number of Lots ſhall be equal to the Number of ſuch Patentees and other Owners, ſo veſted with equal Shares with ſuch Patentees as aforeſaid. And in Caſe the Bounds or Extent of any Lands hereafter to be divided by Virtue of this Act, ſhall appear to be ſo much controverted that the true Quantity of the whole Land to be divided cannot be aſcertained clear of Diſpute, that then, and in ſuch Caſe, the ſaid Commiſſioners ſhall cauſe the undiſputed Lands to be ſurveyed and run out diſtinctly and ſeparately from ſuch Part as ſhall be in Diſpute, and ſhall make diſtinct and ſeparate Allotments and Diviſions of the ſaid undiſputed and diſputed Lands, in ſuch Manner as that a proportionate Share of each, as nearly as may be, as well in Quantity as in Quality, may, upon the balloting hereafter mentioned, be drawn to the Name of each Patentee.

Which Allotments ſhall be divided in as many Lots as there ſhall be Patentees.

Where the original Owners have conveyed to others, ſo as to increaſe the Number of Proprietors, the Lots to be equal in Numbers to ſuch Patentees and others.

If any Land ſo to be divided ſhall be in Diſpute, there ſhall be two ſeparate Diviſions, one of the undiſputed, and the other of the diſputed Lands.

III. *And be it further Enacted by the Authority aforeſaid*, That of all Surveys and Allotments to be made by Virtue of this Act, two true Field Books and Maps, ſpecifying the Bounds of every Allotment and Lot, ſhall be made, and the ſeveral Allotments and Lots laid down and numbered on the ſaid Maps, and then ſigned by the ſaid Commiſſioners; one of which ſaid Field Books and Maps ſhall be filed in the Office of the Clerk of the County where the greateſt Part of the Lands lay, and the other in the Secretary's Office of this State; which when done, the ſaid Commiſſioners ſhall cauſe an Advertiſement to be publiſhed for at leaſt ſix Weeks in one or more of the News-papers printed in the City of *New-York*, and one or more of the public News-papers printed in the City of *Albany*, except the Lands to be divided lie in the Southern Great Diſtrict, in which Caſe ſuch Advertiſement may be publiſhed only in one or more of the News-papers printed in the City of *New-York*, notifying the Filing of the Field Books and Maps in the Office, and appointing a particular Time and Place, on a Day within Twenty Days after the Expiration of the ſaid ſix Weeks, and requiring all Perſons intereſted then and there to attend, to ſee the ſeveral Lots balloted for; and that the ſame may be conducted in a juſt and impartial Manner, one or more of the Judges of the Supreme Court of this State, or of the Inferior Court of Common Pleas of the County in which the greater Part of the Lands lie, not intereſted in the Diviſion, upon the Requeſt of the ſaid Commiſſioners, in Writing under their Hands, ſerved ſix Days before the Time of Meeting, ſhall be preſent to overſee the Balloting ſo to be made; at which Day and Place, the ſaid Commiſſioners having then made as many Tickets as there are Lots in each Allotment, with one of the Numbers of each Lot on every Ticket, and as many Tickets as there are Patentees and Proprietors, with the Name of one of the Patentees or Proprietors on each Ticket; the Tickets of Names ſhall be put into a Box, and the numbered Tickets into another Box, and ſuch Perſon or Perſons as the Commiſſioners ſhall then appoint, ſhall immediately proceed to draw a Ticket of the Names, and then a Ticket of the Numbers, and ſo proceed until all the Tickets are drawn. And after drawing for the Lots in one of the Allotments, they ſhall proceed in the ſame Manner to draw for the Lots in the other Allotment or Allotments, if more than one, until the whole

Two true Field Books and Maps of all Surveys, to be made; the one filed in the Secretary's Office, and the other with the Clerk of the County.

And a Time and Place appointed for balloting.

Which ſhall be attended by a Judge at the Requeſt of Commiſſioners made in Writing.

The Balloting, how to be performed.

A. D. 1785. Inde. *U. S.* IX.

whole Drawing is completed. And the Lot in each Allotment on the Maps, bearing the Number of the Ticket drawn next after drawing the Ticket with the Name of the Patentee or Proprietor, ſhall be the ſeparate and divided Share of ſuch Patentee or Proprietor, and of all Perſons holding under him or her: Of which Balloting, and all the Proceedings in ſuch Partition, the ſaid Commiſſioners ſhall make a full and fair Entry and Minute in a Book, one Copy whereof, certified under their Hands, or the Hands of a Majority of them, and under the Hand of the Judge preſent, ſhall be filed in the ſaid Secretary's Office, and another, certified in like Manner, in the Clerk's Office of that County where the greateſt Part of the Lands lay; which ſame Books, or an Exemplification under the Great Seal of this State, ſhall be good Evidence of ſuch Partition; and which Partition ſhall be valid and effectual in the Law, to divide and ſeparate the ſaid Lands.

When done, an Entry of the ſame with the Proceedings on ſuch Partition, to be entered in a Book, and one Copy filed in the Secretary's Office, and one with the County Clerk.

Which Book, or Exemplication, to be Evidence of ſuch Partition.

Commiſſioners to ſell the Part reſerved to defray Expences, and their Deeds for the ſame to be valid.

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners, or any two of them, ſhall, within one Year next after drawing or balloting the Lots aforeſaid, proceed to ſell that Part of the Tract which was ſet apart to defray the Expence of the Partition, at public Vendue, to the higheſt Bidder, whereof ſix Weeks public Notice ſhall be previouſly given in one of the ſaid News-papers; and their Deed to the Purchaſer ſhall paſs as good a Title to ſuch Bidder, for the ſeparate Enjoyment of the ſame, as if all the Patentees or Proprietors of the ſaid Land had made and executed the ſame in due Form of Law. *Always provided*, That no Commiſſioner or Commiſſioners, or any other Perſon in Truſt for him or them, ſhall become Purchaſers of the ſaid Land ſo to be ſold, or of any Part thereof. And of the whole Charge attending ſuch Partition, the Commiſſioners ſhall keep and ſtate a particular Account, and lay the ſame before one or more of the Judges of the Supreme Court, or of the Inferior Court of Common Pleas of the County where the greateſt Part of the Lands lie; who are hereby empowered and required to appoint ſome proper Perſon or Perſons to audit the ſame, after fourteen Days Notice given in Writing by the ſaid Commiſſioners, to any three of the Proprietors, of the Time and Place of auditing the ſaid Accounts, that they may be heard in objecting to the ſame; and out of the Monies ariſing by ſuch Sale, the Commiſſioners may retain ſo much as the ſaid Auditor or Auditors, or the major Part of them, ſhall certify to be due to them for their Services and Diſburſements in completing the ſaid Partition; and the Surplus, if any there is, ſhall be divided into equal Parts, according to the Number of Patentees or Proprietors as aforeſaid, and be paid to them, or thoſe holding under them; and the Receipt of the ſaid Patentees or Proprietors as aforeſaid, or of any Perſon holding under a Patentee, ſhall be a ſufficient Diſcharge to the ſaid Commiſſioners for the Share of ſuch Patentees or Proprietors.

No Commiſſioner to be a Purchaſer.

Charges of Partition, how to be audited and paid.

V. And *whereas* Joint-Tenants, Tenants in Common, and Coparceners of particular Lots or Parcels of Lands ſo divided, or of other Lands held in Joint-Tenancy, Coparcenary, or in Common, may be inclined to have Partition thereof; *Be it therefore Enacted by the Authority aforeſaid*, That Partition may be made thereof, and be as valid, and the Expence of the ſame defrayed in the ſame Manner as the Partition of other Lands are before directed; the Proprietors in ſuch further or other Partition, being conſidered as the Patentees are in the Partition above preſcribed.

Particular Lots to be divided as other Lands.

VI. *And be it Enacted by the Authority aforeſaid*, That in Caſe on the Partition of any Patents or Tracts of Land, on which Improvements have heretofore been made by any Owner or Proprietor, or by any Perſon or Perſons, by Conſent of any Owner or Owners, Proprietor or Proprietors of any ſuch Patents or Tracts of Land, the Perſon or Perſons to whoſe Shares

Perſons drawing Lots on which Improvements have been made, to pay for ſuch Improvements.

ſuch

A. D. 1785.
Inde. *U. S.* IX.

And Commiſſioners to iſſue a Precept for ſummoning a Jury of twelve Freeholders, to meet on the Premiſes,

ſuch Parcels of improved Lands ſhall fall upon a Partition of ſuch Patents or Tracts of Land, ſhall, before he or they be permitted to the Poſſeſſion of the ſame, pay the reſpective Poſſeſſor or Poſſeſſors thereof, the Value of the Improvements made thereon: And in order to ſettle and aſcertain the Value of ſuch Improvements, the ſaid Commiſſioners are hereby fully authoriſed, empowered and directed, at the Requeſt of the Party or Parties to whom ſuch Parcel or Parcels of improved Lands, ſhall, upon ſuch Partition as aforeſaid, appertain, iſſue their Precept to the Sheriff of the County in which the Lands lie, commanding him to ſummon twelve Freeholders, having the proper and legal Qualifications of Jurors, to attend the ſaid Commiſſioners on the Premiſes, at a Day to be appointed in the ſaid Precept, not exceeding thirty Days after the Date thereof, to aſſeſs the Value of ſuch Improvements; at which Day and Place the ſaid Commiſſioners ſhall ſwear the ſaid Freeholders, well and truly to inquire into and aſſeſs the Value of the ſaid Improvements, and then ſhall proceed, with their Aſſiſtance, in a ſummary Manner, to inquire into, and aſſeſs the ſame, and make Duplicates of ſuch their Inquiſitions and Aſſeſſments, under their Hands and Seals, and the Hands and Seals of the ſaid Freeholders; one of which ſaid Duplicates ſhall be delivered to each of the Parties. And in Caſe the Poſſeſſor or Poſſeſſors of ſuch improved Lands, ſhall not, within Thirty Days next after a Tender to him or them made of the aſſeſſed Value, by the Perſon or Perſons to whom the ſaid improved Lands ſhall, upon ſuch Partition as aforeſaid, belong, peaceably and quietly deliver up to him or them, the Poſſeſſion of the ſame, the ſaid Commiſſioners, or any or either of them, ſhall, upon Proof of ſuch Tender made before him or them, or any or either of them, by the Oath of one or more credible Witneſs, iſſue a Precept in Writing, under the Hands and Seals of them the ſaid Commiſſioners, or the Hands and Seals, or Hand and Seal of any or either of them, to the Sheriff of the County in which ſuch improved Lands reſpectively lie, commanding him to put the Perſon or Perſons to whom ſuch improved Lands ſhall, upon ſuch Partition, belong, into full and peaceable Poſſeſſion of the ſame. *Provided always*, That the Coſts, Charges and Expences attending, as well on ſuch Aſſeſſment, as aforeſaid, as on the putting of the Party or Parties into the Poſſeſſion of ſuch improved Lands, ſhall be eſtimated according to the Regulations herein after preſcribed, and ſhall be paid by the reſpective Poſſeſſ ‡ or Poſſeſſors of ſuch improved Lands, and on his, her or their Refuſal to pay the ſame, ſhall be levied on his, her, or their Goods and Chattels, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or the Hand and Seal of any one or more of them, directed to the ſaid Sheriff of the County wherein ſuch improved Lands reſpectively lie, who is hereby required to perform that Service.

Who ſhall be ſworn truly to value ſuch Improvements;

And if Poſſeſſor, on Tender of the aſſeſſed Value, does not deliver up the Poſſeſſion, Commiſſioners to iſſue a Precept to the Sheriff, to put the Proprietor into Poſſeſſion.

Charges of ſuch Aſſeſſment, and putting into Poſſeſſion, how to be eſtimated & paid.

‡ *So in the Original.*

VII. AND inaſmuch as the ſaid Commiſſioners, in ſuch further or other Partition, may, through the great Number of Proprietors and Rights, proceed upon a Miſtake, either by ſuppoſing them too few or too many; *Be it therefore Enacted by the ſame Authority* That if any Lot or Lots ſhall be ſet off and drawn for any Perſon having no Title to the Lands to be divided, ſuch Lot or Lots ſhall be conſidered as Lands ſtill undivided; and if no Lot or Lots ſhall be ſet off and drawn for any Perſon having Title, nothing herein ſhall be conſtrued to defeat ſuch Title. *Provided nevertheleſs*, That the Partition ſhall be conſidered as fully completed, to all Intents and Purpoſes, between all and every the other Proprietors of the ſaid Lands.

Lots drawn to Perſons who have no Title conſidered as undivided, and Perſons who have Title, and do not draw any Lots, not to be barred thereby.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if any of the Commiſſioners ſo to be appointed to make any Partition by Virtue of this Act, ſhall die before the ſame is completed, their Powers ſhall veſt in, and be exerciſed by the Survivors or Survivor of them.

Power veſted in ſurviving Commiſſioners.

A. D. 1785. Inde. *U. S.* IX.

One of them, previous to the Survey, to be ſworn as Surveyor by either of the others,

IX. *And be it further Enacted by the Authority aforeſaid,* That one of the ſaid Commiſſioners ſhall be ſworn as Surveyor, previous to the ſaid Survey to be performed (or if of the People called Quakers, ſhall make Affirmation) to perform the ſame truly and impartially, and accordingly execute the Duties of Surveyor; which ſaid Oath, or Affirmation, either of the other two Commiſſioners are hereby empowered to adminiſter, and which Oath, or Affirmation, ſhall be entered in the Minutes of their Proceedings, and certified by the other two Commiſſioners, and that one other of the ſaid Commiſſioners ſhall act as Clerk, and as ſuch ſhall take Minutes of all their Proceedings.

And another to act as Clerk.

On the Death of ſuch Surveyor, another to be appointed.

X. *Provided always, and be it Enacted by the Authority aforeſaid,* That in Caſe the ſaid Commiſſioner, being a Surveyor as aforeſaid, ſhall die before the Survey be completed, or through Sickneſs, or ſome other Cauſe, be rendered incapable to complete the ſame, that in ſuch Caſe, the ſurviving Commiſſioner or Commiſſioners ſhall, and may thereupon nominate, appoint, and qualify another Surveyor to carry on and complete the ſame: Or in Caſe either of the ſaid Commiſſioners be a Surveyor, he ſhall and may be qualified and act as Surveyor, and complete the Survey in like Manner: Which ſaid Surveyor ſhall have *Twenty-eight Shillings* per Day, for his Services. That the ſaid Commiſſioner acting as Surveyor, ſhall have *Twenty-eight Shillings* per Day; the Commiſſioner acting as Clerk, *Twenty-eight Shillings* per Day; and the other of the ſaid Commiſſioners, *Twenty-four Shillings* per Day, while actually employed in the ſaid Service; and each of the Chain-bearers, and the Flag-bearer and Marker (whenever the Commiſſioners ſhall think ſuch Flag-bearer or Marker neceſſary) ſhall have *Ten Shillings* per Day; and the Perſons who audit the Accounts, *Twenty Shillings* per Day, for their Services: Which Allowances ſhall be in full for their Services, and all Expences attending the ſaid Survey; but the Auditors may allow a reaſonable Sum for defraying the Expence of the Attendance of the Judges, the advertiſing and balloting herein before directed.

Allowance for the Services of Perſons employed by this Act.

This Act not to affect the Rights of the State, or of Bodies Corporate and Politic, or the undivided Lands of certain Towns.

XI. *And be it alſo Enacted by the ſame Authority,* That nothing in this Act ſhall be conſtrued to defeat, prejudice, or deſtroy the Rights of the People of this State, or of any Bodies Corporate and Politic, nor to extend or relate to any of the common and undivided Lands of any of the ſaid Bodies Corporate and Politic, nor of any ſuch common and undivided Lands belonging to any Townſhip on *Naſſau* Iſland, or the Townſhip of *Schenectady*, in the County of *Albany*, or of *Kingſton*, *Hurly*, *Rocheſter*, *New-Paltz*, and *Marble-Town*, in the County of *Ulſter*, or the Borough of *Weſtcheſter*, any Thing herein to the Contrary notwithſtanding.

Out-Lines of every Patent to be ſurveyed before Partition, by the Surveyor-General or his Deputy.

XII. *And be it alſo Enacted by the ſame Authority,* That the Out-Lines of every Patent ſo to be divided, ſhall be ſurveyed previous to the Diviſion, by the Surveyor-General, or his Deputy, provided that he do attend and perform ſuch Service upon ſix Weeks Notice of the Time and Place when and where the Commiſſioners are to meet for performing the Survey, being given to him in Writing, under the Hands of the Commiſſioners; for which Service he ſhall be allowed at the Rate of *Twenty-eight Shillings* per Day, for coming to, attending on, and returning from ſuch Survey; and ſhall be provided with Chain-bearers, in the ſame Manner, and to be paid at the ſame Rate as other Surveyors, Commiſſioners, and Chain-bearers are by this Act directed to be paid. But if the Surveyor-General ſhall neglect to attend by himſelf or his Deputy, in the Manner aforeſaid, then it ſhall be lawful for the Commiſſioner acting as Surveyor, to perform the whole Survey of the Patent ſo to be divided.

But on his Neglect to perform the ſame, the Commiſſioner to ſurvey the Whole.

XIII. And

A.D. 1785.
Inde. *U. S.* IX.

In Case of Doubts arising concerning the Limits of a Patent, how Commissioners are to proceed.

XIII. And *whereas* there may arise Doubts on the Survey, concerning the Limits of the Tract so to be divided, as well on Objections made by those holding under the Patents, as by the Surveyor-General or his Deputy, on the Part of the People; *Be it therefore Enacted by the same Authority*, That the Commissioners may, in such Case, run the Limits in such Manner as the said Surveyor-General, or his Deputy, shall direct, and also in the Manner directed by the Party or Parties first suing out a Partition of the Lands so to be divided, and attending such Survey for the Partition thereof; and shall make a separate Division of the Lands so in Dispute, and shall proceed to the complete Partition of the same, in the Manner before directed, and the Lines run for the Limits of the Bounds of the Patent, shall always be laid down on the Map on which the Division is made, and on those to be filed in the Secretary's Office, and in the Office of the Clerk of the County.

No Survey of Out-Lines of any Patent to be made, where a Survey has been made in Pursuance of any former Law, or at the Instance of the Parties, unless the said Out-Lines are not sufficiently certain.

XIV. *Provided always, and be it further Enacted by the Authority aforesaid*, That no Survey of the Out-Lines of any Patent shall be made by Virtue of this Act, in any Case where such Survey has already heretofore been made by Virtue of any former Law of the Legislature of this State, while a Colony, or at the Instance or Request of the Patentees or Parties interested in the said Lands, unless the said Commissioners shall conceive such former Survey of the Out-Lines of any Patent, is not sufficiently certain to proceed to a Partition and Division as aforesaid.

Where Lands and Tenements, not exceeding the Value of 5000l. are held in common, Court of Common Pleas of the County, on Application, may appoint three Freeholders to divide the same.

XV. And *whereas* many small Estates held in common, require a more easy and less expensive Mode for the Division thereof, than that which is herein before provided; *Be it therefore Enacted by the Authority aforesaid*, That where any Lands, Tenements or Hereditaments, shall be held in common, it shall and may be lawful for the Court of Common Pleas in the County where such Lands shall be, upon the Application of one or more of the Owners or Proprietors of such Lands, Tenements and Hereditaments, for Partition thereof, it being proved to the Satisfaction of the Court, that the Value of the said Lands, Tenements and Hereditaments, do not exceed *Five Thousand Pounds*, to appoint three reputable Freeholders of the County, Commissioners for that Purpose, Affidavit being first made before the Court by the Person or Persons making such Application, that the other Owners or Proprietors residing within the State, or the Guardians of such Owners or Proprietors as are Minors, have had Thirty Days previous Notice of his or their Intention of making such Application; and the Commissioners so to be appointed, after they shall have been duly sworn before one of the Judges of the Court of Common Pleas in such County, honestly and impartially to execute the Trust reposed in them respectively, as Commissioners for making Partition of the Lands, Tenements and Hereditaments, as directed by the Court, shall proceed to make Partition of the said Lands, Tenements and Hereditaments, among the Owners and Proprietors thereof, according to their respective Rights therein; which Partition being made by the said Commissioners, or any two of them, and a Return being made thereof in Writing, under their Hands and Seals, to the Court, particularly describing the Lands allotted to each respective Owner or Proprietor, and mentioning which of the Owners or Proprietors, are Minors, if any such there shall be; which Return, being acknowledged by the said Commissioners, or any two of them, before one of the Judges of such Court, and accepted by the Court, and entered of Record in the Clerk's Office, shall be a Partition of such Lands, Tenements and Hereditaments, as are therein mentioned. *Provided always*, That where any Houses and Lots are so circumstanced that a Division thereof cannot be made without great Prejudice to the Owners or Proprietors of the same, and the Commissioners appointed to make Partition of the same shall so report to the Court, if it shall then appear to the Court that such Houses and Lots do not

Where Houses and Lots cannot be divided without Injury to the Owners, the Court may order the same to be sold by Commissioners, and Deeds to

A.D. 1785. Inde. *U.* §. IX.

be given by them to the Purchaſers.

not exceed in Value the Sum of *Three Thouſand Pounds*, the Court ſhall thereupon give Orders to the ſaid Commiſſioners to ſell ſuch Houſe and Lot, or Houſes and Lots of Land, at public Vendue, and ſhall make and execute good and ſufficient Conveyances to the Purchaſer or Purchaſers thereof, which ſhall operate as an effectual Bar, both in Law and Equity, againſt ſuch Owners, Proprietors, and all Perſons claiming under them; and the Monies ariſing therefrom to pay to the Owners or Proprietors of ſuch Houſes and Lots of Land, their Guardians or legal Repreſentatives, as ſhall be directed in the ſaid Order, retaining in their Hands, for their Services and Expences, ſuch Sum as ſhall be allowed by the Court; and the ſaid Commiſſioners, on a Diviſion of Lands, Tenements and Hereditaments, by Order of the Court as aforeſaid, ſhall be allowed ſuch Sum as the Court ſhall award for their Services and Expences, to be paid by the Owners or Proprietors of the Lands, Tenements, and Hereditaments ſo divided, in Proportion to their reſpective Rights therein; and in Caſe of the Neglect or Refuſal of any of the Owners or Proprietors, to pay his, her, or their Proportion of the Sum ſo awarded, the Court ſhall order ſo much of the Lands, Tenements and Hereditaments allotted to ſuch Owner or Proprietors ſo refuſing or neglecting, to be ſold at public Vendue, as will be ſufficient to pay his or her Proportion of the Sum awarded by the Court, together with the Coſts of ſuch Sale. *And provided alſo*, That no Diviſion or Sale ſhall be made by Order of the Court as above directed, contrary to the Intention of any Teſtator, as expreſſed in his laſt Will and Teſtament.

Monies ariſing therefrom, to be paid to the Owners.

Expences of Partition how to be paid.

Courts of Common Pleas to allow of Guardians choſen by Minors of the Age of 14, and to appoint Guardians for ſuch as are within that Age.

XVI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Inferior Courts of Common Pleas in the ſeveral Counties, to allow of Guardians who ſhall be choſen by Minors of the Age of Fourteen Years, and to appoint Guardians for ſuch as ſhall be within that Age; and the Court, on allowing or appointing any Guardian as aforeſaid, ſhall take ſufficient Security of all ſuch Guardians for the faithful Diſcharge of their Truſt, and to render a juſt and true Account of ſuch Guardianſhip to the Court, when thereunto required. And the Guardians of all Minors ſo to be allowed or appointed as aforeſaid, ſhall be, and hereby are reſpectively authoriſed and empowered, on Behalf of the reſpective Minors whoſe Guardians they are, to do and perform any Act, Matter or Thing, reſpecting the Diviſion of any Lands, Tenements and Hereditaments, as is directed in the above preceding Clauſe, which ſhall be binding on ſuch Minor, and be deemed as valid to every Purpoſe, as if the ſame had been done by ſuch Minor after he ſhould have arrived at full Age.

Such Guardians authoriſed to act for all ſuch Minors.

CHAP. XL.

Repealed, 11th Seſſ. Ch. 73. Sec. 2.

An ACT *for the more eaſy Aſſeſſment of Taxes, for prolonging the Terms of the Court of General Seſſions of the Peace, altering the Mode of Puniſhment in certain Caſes of Petit Larceny in the City and County of* New-York; *and for the Confinement of Vagrants and common Proſtitutes to hard Labour.*

Paſſed 18th March, 1785.

CHAP. XLI.

Private.

An ACT *to veſt the Eſtate of* Daniel Bevier *in Truſtees, for the Purpoſes therein mentioned.*

Paſſed 21ſt March, 1785.

CHAP. XLII.

Repealed 12th Seſſ. Ch. 22. Sec. 13.

An ACT *to lay a Tax on Dogs in the City of* New-York.

Paſſed 21ſt March, 1785.

CHAP.

CHAP. XLIII.

A. D. 1785.
Inde. U. S. IX.

Private.

An ACT *to appoint certain Truſtees therein named, to ſell and diſpoſe of the real Eſtate of* Elizabeth Richards, *deceaſed.*

Paſſed 31ſt March, 1785.

CHAP. XLIV.

Amended, 9th Seſſ. Ch. 46. Obſolete.

An ACT *for building a Court-Houſe and Gaol in* Queen's *County, and for repairing the Court-Houſe and Gaol in* Suffolk *County, and for other Purpoſes.*

Paſſed 31ſt March. 1785.

CHAP. XLV.

Private.

An ACT *to confirm the ſeveral Partitions of Lands within the Patent of the* New-Paltz, *in the County of* Ulſter.

Paſſed 31ſt March, 1785.

CHAP. XLVI.

An ACT *eſtabliſhing and regulating Ferries acroſs the* Eaſt River, *between the Counties of* Queen's *and* Weſtcheſter.

Paſſed 31ſt March, 1785.

Richard Sands empowered to keep a Ferry acroſs the *Eaſt-River.*

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful for *Richard Sands*, of *Cow-Neck*, in *Queen*'s County, his Heirs, Executors and Adminiſtrators, to ſet up, keep and maintain a Ferry acroſs the *Eaſt River*, from ſuch Place on the Lands of the ſaid *Richard Sands*, near *Sands's-Point*, at *Cow-Neck* aforeſaid, as ſhall be moſt convenient for the Purpoſe, for and during the Term of ſeven Years from the Time of the paſſing of this Act.

Juſtices and Overſeers of the Poor in *Oyſter-Bay* & *New-Rochelle*, to leaſe the Right of keeping a Ferry acroſs ſaid River, between ſaid Townſhips.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Juſtice or Juſtices of the Peace, reſident in the ſeveral Townſhips of *Oyſter-Bay*, in *Queen*'s County, and *New-Rochelle*, in *Weſtcheſter* County, and the Overſeers of the Poor of the ſaid reſpective Townſhips, or a Majority of them, to leaſe, for any Term not leſs than four, nor exceeding ſeven Years, the Right and Privilege of ſetting up, keeping and maintaining a Ferry from their reſpective Townſhips, acroſs the *Eaſt River*, to ſuch Landing Places in the ſaid two Counties as are herein after mentioned; *That is to ſay*, That the Ferry-Boat from the Townſhip of *Oyſter-Bay*, ſhall and may land at ſuch Dock or Landing-Place in the Townſhip of *Rye*, in *Weſtcheſter* County, as the Ferry in the ſaid Townſhip of *Rye* ſhall and may, by Law, be kept; and that the Ferry-Boat from the ſaid Townſhip of *Rye*, ſhall and may land at ſuch Dock or Landing-Place in the ſaid Townſhip of *Oyſter-Bay*, as the Ferry in the ſaid Townſhip of *Oyſter-Bay* ſhall, by Virtue of this Act, be kept; that the Ferry-Boat which ſhall be kept by the before-mentioned *Richard Sands*, his Heirs, Executors or Adminiſtrators, ſhall and may land at ſuch Dock or Landing-Place in the Townſhip of *New-Rochelle*, as the Ferry in the ſaid Townſhip of *New-Rochelle* ſhall, by Virtue of this Act, be kept; and that the Ferry-Boat from the ſaid Townſhip of *New-Rochelle*, ſhall and may land at ſuch Dock or Landing-Place at *Cow-Neck* aforeſaid, as the ſaid *Richard Sands*, his Heirs, Executors or Adminiſtrators, ſhall erect and keep, as is herein after mentioned. And that it ſhall and may be lawful for the Juſtice or Juſtices of the Peace, reſident in the ſeveral Townſhips of *Oyſter-Bay* and *New-Rochelle*, and the Overſeers of the Poor of the

Places where the Ferry-Boats ſhall land.

Juſtices and Overſeers of the Poor of *Oyſter-Bay* and *New-Rochelle*, to leaſe out the Ferry

A. D. 1785. Inde. *U. S.* IX.

between ſaid Townſhips.

ſaid reſpective Townſhips, or a Majority of them, to leaſe for any Term not leſs than four, nor exceeding ſeven Years, to ſuch Perſon or Perſons, and at ſuch yearly Rent as they ſhall deem proper, the Right and Privilege of ſetting up, keeping and maintaining a Ferry acroſs the *Eaſt River*, to and from the reſpective Townſhips before-mentioned; and the Rent to be reſerved as aforeſaid, ſhall be applied towards the Maintenance and Support of the Poor of the reſpective Townſhips aforeſaid.

Richard Sands to erect a Dock for his Ferry,

III. *And be it further Enacted by the Authority aforeſaid*, That the ſaid *Richard Sands*, his Heirs, Executors and Adminiſtrators, ſhall, if he or they ſhall ſet up a Ferry by Virtue of this Act, erect a convenient Dock or Landing-Place on ſuch Part of the Lands of the ſaid *Richard Sands*, near *Sand's-Point*, at *Crow-Neck* aforeſaid, as ſhall be moſt ſuitable for the Purpoſe; and

And to covenant with the Overſeers of the Poor in *North-Hempſtead*, to perform certain Conditions.

ſhall, by Writing under Hand and Seal, covenant and agree with the Overſeers of the Poor of the Townſhip of *North-Hampſtead*, in *Queen*'s County, for the Time being, that he the ſaid *Richard Sands*, his Heirs, Executors and Adminiſtrators, ſhall, and will keep and maintain a good and ſufficient Ferry, and will not take or receive, nor ſuffer to be taken or received, any greater Price or Rate of Ferriage than are herein after allowed to be received or taken; and ſhall alſo pay to the Overſeers of the Poor of the Townſhip of *North-Hampſtead*, for the Time being, for the Uſe of the Poor of the ſaid Townſhip, ſuch annual Rent as ſhall previouſly be agreed on, by and between the ſaid Overſeers of the Poor for the Time being, and the ſaid *Richard Sands*.

Juſtices, in their Leaſes, to covenant with Perſons keeping Ferries, to maintain ſufficient Ferries, and at certain Rates.

And that the Juſtice or Juſtices of the Peace, reſident in the ſaid ſeveral Townſhips of *Oyſter-Bay* and *New-Rochelle*, and the Overſeers of the Poor of the ſaid reſpective Townſhips for the Time being, or a Majority of them, in the Leaſes to be by them reſpectively made, ſhall covenant and agree with the Perſon or Perſons to whom they ſhall reſpectively leaſe the Right and Privilege of ſetting up and keeping a Ferry as aforeſaid, that ſuch Perſon or Perſons ſhall, during the Term of his or their ſaid Leaſe, keep, ſupport and maintain, a ſufficient Ferry-Boat, ready at all reaſonable Times and Seaſons, to carry and tranſport the Perſons and Articles following, and at the Rates

Rates of Ferriage.

following; *That is to ſay*, From the Townſhip of *Oyſter-Bay* to the Townſhip of *Rye*, and from the Townſhip of *Rye* to the Townſhip of *Oyſter-Bay*, for each Man and Horſe, *Six Shillings*; for a Foot Paſſenger, if one only, *Three Shillings*; if more than one, then each *Two Shillings*; for a Horſe and Chair, with Travellers, *Eight Shillings*; for every Head of Neat Cattle, *Two Shillings*; for every Sheep, Calf, or Hog, *Six-pence*; for a Sled and two Horſes, with Travellers, *Ten Shillings*; for a Sled and one Horſe, with Travellers, *Eight Shillings*; and ſo in Proportion for other Things: And from the Ferry, to be kept by the ſaid *Richard Sands*, his Heirs, Executors or Adminiſtrators, to the Townſhip of *New-Rochelle*, and from the Townſhip of *New-Rochelle* to the Place at which the Ferry ſhall be kept by the ſaid *Richard Sands*, his Heirs, Executors or Adminiſtrators, for the Perſons and Articles before enumerated, at and after the Rate of one-Third leſs than is before affixed as the Rates or Prices of Ferriage for ſuch Articles and Perſons.

If any greater Rates for Ferriage are taken, the Offender to forfeit *Twenty Shillings*.

IV. *And be it further Enacted by the Authority aforeſaid*, That if the above-mentioned *Richard Sands*, his Heirs, Executors or Adminiſtrators, or any Ferry-man, or Perſon employed by him or them, or any other Perſon or Perſons whatſoever, to whom the Right and Privilege of ſetting up and keeping a Ferry ſhall be granted in Purſuance of this Act, or the Ferry-man, or Perſon employed by them reſpectively, ſhall take, exact or receive, any greater or higher Rates for tranſporting Perſons, Goods and Chattels, or other Things whatſoever, than are herein before limited and eſtabliſhed, he or they, or any of them, ſo offending, ſhall forfeit and pay, for every ſuch Offence, the Sum of *Twenty Shillings*, to be recovered in any Court within this

this State, having Cognizance thereof, by any Person who shall sue for the same. *Provided always*, That nothing herein before contained, shall be construed to exclude any Person or Persons, living or inhabiting on the Shores of the said *East River*, within the Counties of *Queen*'s and *Westchester*, from the Right of carrying and transporting themselves, and their Goods and Chattels respectively, in their own Boats, without paying any Rate of Ferriage.

A. D. 1785. Inde. *U. S.* IX.

No Persons to be excluded by this Act, from ferrying in their own Boats.

V. *And be it further Enacted by the Authority aforesaid*, That if any Person or Persons shall set up, keep or maintain a Ferry, or shall carry or transport any Person, Goods or Chattels, for Hire or Pay, across the *East River*, between the said Counties of *Queen*'s and *Westchester*, other than such Person or Persons as shall be authorised to set up and keep a Ferry in Pursuance of this Act, and other than such Person or Persons as shall keep and maintain a Ferry across the aforesaid River, by Virtue of any Patent or Charter-Right heretofore granted for the Purpose, and not since annulled or vacated; such Person or Persons shall, for every such Offence, forfeit and pay the Sum of *Two Pounds*, to be recovered in any Court within this State having Cognizance thereof, by any Person who shall sue for the same.

Persons not authorised by the Act, keeping a Ferry between *Queen*'s and *Westchester* Counties, for Hire, to forfeit *Forty Shillings* for each Offence.

VI. *And be it further Enacted by the Authority aforesaid*, That at the Expiration of the Term hereby granted to the said *Richard Sands*, his Heirs, Executors and Administrators, for setting up and keeping a Ferry in the Manner aforesaid, or if the said *Richard Sands*, his Heirs, Executors or Administrators, shall sooner decline, neglect or refuse to keep and maintain such Ferry, it shall then be lawful for the Justice or Justices of the Peace, resident in the aforesaid Township of *North-Hampstead*, and the Overseers of the Poor of the said Township, or a Majority of them, to lease the Right and Privilege of setting up and keeping a Ferry from the said Township of *North-Hampstead* to the Township of *New-Rochelle*, in like Manner, and under the same Rules and Regulations as are herein before prescribed for the Townships of *Oyster-Bay* and *New-Rochelle*. *Provided always*, That nothing in this Act contained, shall be deemed or construed to extend to, or affect any Ferry or Ferries now kept to the Westward of the Township of *Flushing*, in *Queen*'s County, or to the Westward of *Frog's-Neck*, in *Westchester* County; any Thing herein before contained notwithstanding.

When Justices of the Peace and Overseers of the Poor of *North-Hempstead*, may lease the Ferry to be erected by *Richard Sands*.

Certain Ferries not to be affected by this Act.

CHAP. XLVII.

An ACT *for the Punishment of Persons who shall, in the City and County of* New-York, *by false Pretences, obtain any Monies, Goods, Wares or Merchandize, from any Person, with Intent to cheat or defraud such Person.*

Passed 31st March, 1785.

Repealed, 11th Sess. Ch. 73. Sec. 2.

CHAP. XLVIII.

An ACT *for the Relief of* John Thompson.

Passed 31st March, 1785.

Private.

CHAP. XLIX.

An ACT *to amend an Act, entitled,* ‡ *An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned, passed the 12th of* May, 1784.

‡ *7th Sess. Ch. 64.*

Passed 31st March, 1785.

WHEREAS by the seventh Section of the above-said Act, entitled, *An Act for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned*, it is required, that whenever

Preamble.

A. D. 1785. Inde. *U. S.* IX.

whenever the Commiſſioners of Forfeitures ſhall make Sale of any Lands, Tenements or Hereditaments, by public Vendue or private Sale, the Perſon or Perſons to whom ſuch Sale be made, ſhall immediately pay unto the ſaid Commiſſioner or Commiſſioners, one third Part of the Purchaſe-Money, and the remaining Sum due, on or before the firſt Day of June, in the Year One Thouſand Seven Hundred and Eighty-five: And it appears that the aforeſaid Time of Payment may, in many Inſtances, prove too ſhort and inconvenient:

On future Sales of confiſcated Property, one Third of the Purchaſe-Money to be paid down, and the Remainder in nine Months. *Altered, 9th Seſſ. Ch. 58. Sec. 13.*

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That in all Sales of forfeited Eſtates to be made by the Commiſſioners of Forfeitures, to any Perſon or Perſons whatever, after the paſſing of this Act, ſuch Perſon or Perſons ſo purchaſing, ſhall immediately pay to the ſaid Commiſſioner or Commiſſioners, one third Part of the Purchaſe-Money, and the remaining Sum due, within nine Months from the Time of ſuch Sale.

[*The ſecond Section of this Act is obſolete.*]

Grantees, on Delivery of Conveyance, to execute a Bond, and how.

III. And for the better ſecuring the Payment, in all Caſes, of the Reſidue of the ſaid Purchaſe-Money; *Be it further Enacted by the Authority aforeſaid,* That on the Delivery of the Conveyance by the Commiſſioners, the Grantees ſhall reſpectively execute a Bond, in the uſual Form, to the Commiſſioners, in their own Name, for the Payment of the ſaid Reſidue of the ſaid Purchaſe-Money, and the Commiſſioners ſhall endorſe on ſuch Bond, a Deſcription of the Lands in Payment for which the ſaid Bond ſhall have been taken; and which Bond ſhall contain a Warrant of Attorney, in the uſual Form, to confeſs a Judgement thereon. And if Default ſhall be made in the Payment of the principal Sum ſpecified in the Condition of ſuch Bond, with the Intereſt thereof, in Caſes where ſuch principal Sum ſhall be deemed to bear an Intereſt, as herein before mentioned, it ſhall be the Duty of the Commiſſioners to cauſe a Judgment to be entered up on ſuch Bonds, in the Inferior Court of Common Pleas of the County where the Lands in Payment for which ſuch Bond ſhall have been given, ſhall lie; and to proceed to Execution on ſuch Judgment, and always in the firſt Inſtance by *Fieri Facias:* And all Conveyances or Mortgages made or executed by the ſaid Obligors reſpectively, of the ſaid Lands conveyed to them, and all Judgments againſt the ſaid Obligors, after the Conveyance to them from the Commiſſioners, and before the Whole of the Monies made payable by the ſaid Bonds reſpectively, ſhall be paid and ſatisfied, as far forth as ſuch Conveyances, Mortgages or Judgments may tend to delay or defeat the Payment of the ſaid Monies, ſhall be deemed, and hereby are declared to be fraudulent and void.

Conveyances of ſuch Lands by the Obligors, before the Money is paid, to be deemed fraudulent.

CHAP. L.

Private. Supplementary Act, 9th Seſſ. Ch. 2.

An ACT *veſting the real Eſtate of* Benjamin Moore, *Senior, late of the City of* New-York, *Sail-maker, deceaſed, in Truſtees, for the Payment of his Debts, and for other Purpoſes therein mentioned.*

Paſſed 31ſt March, 1785.

CHAP. LI.

Repealed, 10th Seſſ. Ch. 17. Sec. 5.

An ACT *enabling the Sheriff and other Peace Officers of* Dutcheſs *County, to impriſon and confine certain Debtors and Criminals in the Gaol of* Ulſter *County.*

Paſſed 4th April, 1785.

CHAP.

CHAP. LII.

A.D. 1785.
Inde. U. S. IX.

An ACT *to grant to* Isaac Van Wyck, *and others, an exclusive Right of keeping Stage-Waggons on the East Side of* Hudson's-River, *between the Cities of* New-York *and* Albany, *for the Term of Ten Years.*

Passed 4th April, 1785.

Preamble.

WHEREAS *Isaac Van Wyck, Talmage Hall* and *John Kinney*, have, by their Petition, prayed, that on Account of the great Expence and Labour attending the Undertaking, an exclusive Right of carrying on a Stage from the Cities of *New-York* and *Albany*, might be granted them for the Term of Ten Years: *And whereas* the erecting a Stage as aforesaid will tend to promote the Ease and Benefit of the People of this State;

Isaac Van Wyck and others, to have the sole Right of setting up and driving a Stage-Waggon between *New-York* & *Albany*.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the said *Isaac Van Wyck, Talmage Hall* and *John Kinney*, and their respective Executors, Administrators and Assigns, shall have, hold, possess and enjoy, and are hereby given, granted and allowed, the sole and exclusive Right, Liberty and Permission, for the Term of *Ten Years*, the same to commence on the first Day of *June* next, to erect, set up, carry on and drive, at all Time and Times hereafter, during the Term aforesaid, all and every such Stage-Waggon or Waggons, from the said Cities of *New-York* and *Albany* respectively, to the other, on the East Side of *Hudson's-River*, as they may judge sufficient for the Purpose of accommodating such a Number of Passengers as may, from Time to Time apply: And that it shall not be lawful for, nor shall any other Person or Persons, upon any Pretence whatever, presume, during the Term aforesaid, to erect, set up, carry on, or drive any Stage-Waggon or Waggons, or any other Carriage or Carriages for the like Purpose, from the said Cities respectively, under the Penalty of *Two Hundred Pounds*, to be recovered by any Person or Persons who shall prosecute for the same, together with Costs, in any Court of Record having Cognizance of the same.

To provide good Waggons and Horses for the Purpose.

Rate of Fare in the said Stage.

To proceed on its Journey once a Week.

On their Neglect, this Act to cease.

II. *And be it further Enacted by the Authority aforesaid*, That the said *Isaac Van Wyck, Talmage Hall* and *John Kinney*, their Executors, Administrators and Assigns, shall furnish and provide at least two good and sufficient covered Stage-Waggons, to be drawn each by four able Horses, for the Purposes aforesaid; and that the Price for each and every Passenger therein, shall not exceed *Four-Pence* per Mile, including the Liberty of carrying Fourteen Pounds Weight of Baggage; that for every One Hundred and Fifty Pounds Weight of Baggage, a like Sum of *Four-Pence* per Mile shall be paid for the same; and so in like Proportion for every greater or less Quantity. And that such Stage-Waggon or Waggons shall proceed at least once in every Week, during the said Term of Ten Years, on the Passage or Journey aforesaid, from the respective Cities aforesaid, unless the same are prevented by the Badness of the Roads, or some uncommon Accident. *Provided always*, That in Case the said *Isaac Van Wyck, Talmage Hall* and *John Kinney*, their Executors, Administrators or Assigns, shall neglect or refuse to do and perform the Duties aforesaid, according to the true Intent and Meaning of this Act, that in such Case this Act shall cease, and be null and void.

CHAP. LIII.

Obsolete.

An ACT *directing the Treasurer of this State, to pay into the Treasury of the United States,* 147,734 9-90 *Dollars.*

Passed 4th April, 1785.

A. D. 1785. Inde. U. S. IX.

CHAP. LIV.

An ACT *to reſtrain Hawkers and Pedlars.*

Paſſed 4th April, 1785.

No Perſon to uſe the Calling of Hawker or Pedlar, under a Penalty.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That from and after the firſt Day of *July* next, no Perſon or Perſons ſhall or may uſe or exerciſe the Profeſſion or Calling of a Hawker or Pedlar in this State, under the Penalty of *Five Pounds* for each Offence, to be recovered, with Coſts, in any Court having Cognizance to try the ſame; the one Half of which ſaid Penalty ſhall go to the Perſon or Perſons who ſhall ſue and proſecute for the ſame, and the other Half to the Poor of the Town, Manor, Diſtrict or Precinct where the Offence ſhall be committed. *Provided always,* That this Act ſhall not be conſtrued to debar any Perſon or Perſons from carrying, conveying or ſelling any Goods, Wares or Merchandize, of the Growth, Produce or Manufacture of this State, or of any other of the United States of *America*; and that all Suits to be brought for any Offence againſt the true Intent and Meaning of this Act, ſhall be brought within Thirty Days after the Offence ſhall be committed.

Not to extend to the Produce of any of the United States.

Suits to be brought in Thirty Days after the Offence committed.

CHAP. LV.

Obſolete.

An ACT *to enforce the Payment of certain Monies aſſeſſed in* Queen's *County during the late War.*

Paſſed 4th April, 1785.

CHAP. LVI.

Obſolete.

An ACT *to veſt the United States in Congreſs aſſembled, with Power to prohibit the Importation and Exportation of Goods, Wares and Merchandize, agreeably to their Act of the 30th of* April, 1784.

Paſſed 4th April, 1785.

CHAP. LVII.

An ACT *for granting certain Privileges to the Townſhip of* Platſburgh.

Paſſed 4th April, 1785.

Certain Tracts of Land erected into a Townſhip, by the Name of *Platſburgh.*

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſeveral Tracts of patented Lands, lying on the Weſt Side of *Lake-Champlain*, at a Place called *Cumberland-Bay*, and *Cumberland-Head*, in *Waſhington* County, bounded North by *Beekman*'s Patent, Weſt by unpatented Lands, South by unpatented Lands, and a Tract of Land granted to *Peter Stuart*, and Eaſt by *Lake-Champlain*, be, and the ſame are hereby made one Townſhip, by the Name of *Platsburgh.*

Freeholders empowered to elect Town-Officers.

When and where to meet.

II. *And be it Enacted by the Authority aforeſaid,* That the Freeholders and Inhabitants of the ſaid Town of *Platsburgh*, ſhall be, and hereby are veſted with Power to chuſe annually a Superviſor, Aſſeſſors, Town-Clerk, Collector, Commiſſioners for laying out High-Ways, Overſeers for keeping in Repair High-Ways, Overſeers of the Poor, Fence-Viewers and Pound-Maſter. And the Freeholders and Inhabitants of the ſaid Townſhip ſhall meet together on the third Tueſday in *June* next, at the Houſe of *Charles Platt*, in the ſaid Townſhip, and then and there, by Plurality of Voices, elect the Town-

A. D. 1785. Inde. U. S. IX.

Town-Officers above named, to continue in Office until the first Tuesday in *April* then next following, at which Day a new Election for Town-Officers shall take Place, and the Election thereafter for Town-Officers shall be held annually in the said Township, on the first Tuesday in *April*, at the Place above named, until such Time as a Majority of the Freeholders and Inhabitants thereof, at any such Meeting, shall agree upon some other Place of Meeting for the following Year; and then such Place, so to be agreed upon, shall be the Place of annual Meeting for the Purposes aforesaid, until the same shall be altered in Manner as aforesaid.

Zephaniah Platt and Associates, permitted for ten Years to take Ore out of a certain Iron Ore Bed.

III. *And be it Enacted by the Authority aforesaid*, That it shall and may be lawful for *Zephaniah Platt*, Esquire, and his Associates, to take as much Ore out of the Iron Ore Bed on the West Side of *Lake-Champlain*, near *Crown-Point*, and reserved to the People of this State, as they shall have Occasion to manufacture in the said Township, for a Term not exceeding Ten Years, on such Conditions as the Commissioners appointed by the Act, entitled, ‡ *An* Act *for granting certain Lands promised to be given as Bounty Lands by Laws of this State, and for other Purposes therein mentioned*, passed the 11th of *May*, 1784, shall deem expedient.

‡ 7th Sess. Ch. 63.

CHAP. LVIII.

An ACT *supplementary to the Act, entitled,* ‡ *An* Act *to empower Justices of the Peace, Mayors, Recorders and Aldermen, to try Causes to the Value of* Ten Pounds *and under, and to repeal sundry Acts therein mentioned, passed* 11th *of* April, 1782.

‡ 5th Sess. Ch. 36. Repealed, 10th Sess. Ch. 89. Sec. 24.

Passed 4th April, 1785.

CHAP. LIX.

An ACT *for giving Relief to Lessees deprived of the Benefit of their Leases during the late War.*

Passed 4th April, 1785.

Preamble.

WHEREAS divers Persons who have held Leases for Terms of Years, were, by Reason of the Invasion of the late Enemy, compelled to abandon the Possession before the Terms of such Leases were expired, whereby they were deprived of the Use or Profits of the Houses, Lands or Tenements so leased, and are liable to pay the Rents or Penalties reserved or incurred thereby, and some such Persons have been prosecuted and put to Expence by Reason thereof: Therefore,

Relief granted to Persons who leased Houses or Lands, and left them by Reason of the Invasion of the Armies of *Great-Britain*.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all and every Person and Persons, having taken a Lease or Leases for Houses, Lands or Tenements, before the fifteenth Day of *September*, One Thousand Seven Hundred and Seventy-six, and having been necessiated to abandon the same, by Reason of the Invasion of the Fleets or Armies of the King of *Great-Britain*, or his Allies, and having not at any Time since voluntarily put him, her or themselves under the Protection of the said Fleets or Armies, until a Cessation of Hostilities between the United States of *America*, and the said King of *Great-Britain* and his Subjects, shall be exonerated, released and discharged from the Payment of such Rents or Arrearages of Rent, or Penalties reserved, made payable or incurred by such Leases, while he, she or they were out of the Possession, and did not enjoy the Benefit thereof.

II. *And*

A. D. 1785. Inde. *U. S.* IX.

In all Suits againſt ſuch Perſons, this Act may be given in Evidence.

II. *And be it further Enacted by the Authority aforeſaid*, That in all or every Suit or Suits which have been, or ſhall be commenced and proſecuted on ſuch Leaſe or Leaſes, for Rent or Arrearages thereof, or Penalties which have ariſen, accrued or been incurred on the ſame, while he, ſhe or they were out of the Poſſeſſion, and did not enjoy the Uſe or Benefit thereof, by Reaſon aforeſaid, all and every ſuch Perſon and Perſons, Leſſees as aforeſaid, who now are or hereafter ſhall be proſecuted on any of the ſaid Leaſes, may give this Act and the ſpecial Matter in Evidence, in his, her or their Defence.

Where Judgment is already obtained, how to proceed therein.

III. *And be it further Enacted by the Authority aforeſaid*, That whereſoever a Judgment has already been obtained on any ſuch Leaſe as aforeſaid, no Execution ſhall iſſue until the Plaintiff or Plaintiffs in ſuch Suit or Action, ſhall previouſly have iſſued a *Scire Facias* againſt the Defendant or Defendants, in ſuch Suit or Action, to ſhew cauſe why he or they ſhould not pay the Debt or Damages recovered in ſuch Suit or Action; and on which *Scire Facias* the Defendant may give this Act and the ſpecial Matter aforeſaid in Evidence, in Manner and Form mentioned in the preceding Clauſe.

Leſſors to have Remedy againſt Occupiers.

IV. *And be it Enacted by the Authority aforeſaid*, That the Leſſors, and their legal Repreſentative or Repreſentatives reſpectively, ſhall have the like Remedy againſt the Occupiers, their Heirs, Executors or Adminiſtrators reſpectively, of the Lands and Tenements ſo by them leaſed, to the ſaid Leſſees, the Objects of this Law, as the reſpective Leſſees would have had during the Continuance of ſuch Leaſes reſpectively.

CHAP. LX.

Explained, 8th Seſſ. Ch. 76.

Obſolete.

An ACT *to enable Perſons to diſcharge Debts due to this State, for Monies loaned while this State was a Colony.*

Paſſed 7th April, 1785.

CHAP. LXI.

An ACT *to appoint the Place of holding the Supreme Court of Judicature of this State, in future, and to prolong the Terms thereof, and for other Purpoſes therein mentioned.*

Paſſed 7th April, 1785.

Preamble.

WHEREAS by the Laws of this State it is ordained, That the Supreme Court of Judicature ſhall begin, ſit, and be held at the City of *New-York*, at the four ſeveral Times following, *to wit*, On the third Tueſdays of *January*, *April* and *October*, and on the laſt Tueſday of *July*, in every Year; and that the ſaid ſeveral Terms or Sittings of the ſaid Court ſhould be held and continue as follows, *to wit*, The Terms of *October* and *April*, from the Times of their Commencement aforeſaid, every Day (except Sunday) until the End of Saturday in the next enſuing Week. And whereas by Law the Perſon adminiſtring the Government of this State for the Time being, is empowered to appoint the Place for holding the ſaid Supreme Court; in Purſuance of which Law, the Governor did, by Proclamation, appoint the City of *Albany* to be the Place for holding the ſaid Court: And whereas for the more equal Diſtribution of Juſtice to the Citizens of this State, it is now become neceſſary that two of the ſaid Terms or Sittings ſhould be in future at the ſaid City of *Albany*, and two of them at the City of *New-York:* And whereas the Continuance of the ſaid Terms or Sittings, during the ſhort Spaces of Time aforeſaid, is attended with great Delay of Juſtice; Therefore,

Supreme Court to ſit at the City of *Albany* in the Terms of *July* and *October* in every Year.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That for the future the ſaid Supreme Court ſhall begin, ſit, and be held at the City of *Albany*, at the two ſeveral Times following, *to wit*, On the laſt Tueſday of *July*, and

and the third Tuesday in *October*, in every Year; and at the City of *New-York*, the two several Times following, *to wit*, On the third Tuesday of *January* and *April*, in every Year.

A.D. 1785. Inde. *U. S.* IX.

And at the City of *New-York* in *Jan.* and *April*.

II. *And be it further Enacted by the Authority aforesaid*, That the said several Terms, or Sittings of the said Court, shall, in future, be held and continued during the Spaces of Time following, *to wit*; The Terms of *October* and *April*, from the Times of their Commencement aforesaid, every Day (except Sunday) until the End of the Saturday in the third Week next ensuing; and the Terms of *January* and *July*, from the Times of their Commencement aforesaid, every Day (except Sunday) until the End of Saturday in the next ensuing Week. *Provided*, That whenever the Business of the Court shall be completed, the Court may adjourn until the next Term, without sitting, until the End of the Term.

How long each Term to continue.

III. *And be it further Enacted by the Authority aforesaid*, That the next Supreme Court of Judicature, to be held on the third Tuesday of *April* next, shall be held at the City-Hall of the City of *Albany*; any Thing in this Act to the Contrary thereof notwithstanding.

Next Supreme Court to be held on the third Tuesday of *April*, in *Albany*.
See 9th Sess. Ch. 16.

IV. *And be it further Enacted by the Authority aforesaid*, That each and every Day of the said Terms or Sittings (except Sunday) shall be a Return Day.

Every Day of the Terms to be a Return Day.

V. *And be it further Enacted by the Authority aforesaid*, That the Office of the Clerk of the said Supreme Court, shall be kept and held in the City of *New-York*; and that the said Clerk shall appoint a Deputy-Clerk of the said Court, which said Deputy shall keep and hold an Office in the City of *Albany*, wherein Writs, Process, Pleadings, Papers and Records of the said Court, shall and may be filed. *Provided nevertheless*, The said Writs, Process, Pleadings, Papers and Records, which shall be filed in the Office of the said Deputy as aforesaid, shall, once in every six Months, be removed from the Office of the said Deputy, and lodged in the Office of the Clerk of the said Supreme Court, in the City of *New-York* aforesaid.

Office of Clerk of Supreme Court to be at *New-York*, and he to have a Deputy in *Albany*.

To remove his Papers once in every six Months, to *New-York*.

[*The sixth and seventh Sections of this Act are obsolete, and provided for* 10*th Sess. Ch.* 72. *and the eighth Section is repealed,* 10*th Sess. Ch.* 10. *Sec.* 11.]

CHAP. LXII.

An ACT *for the Relief of* Thomas Vardell.

Private.

Passed 9th April, 1785.

CHAP. LXIII.

An ACT *acceding to the Recommendation of Congress of the* 18*th of* April, 1783, *relative to the eighth Article of Confederation and perpetual Union of the United States of* America.

See 1*st Sess. Ch.* 3.

Passed 9th April, 1785.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That so much of the Eighth ‡ of the Articles of Confederation and perpetual Union between the Thirteen States of *America*, as is contained in the Words following, *to wit*; "All Charges of War, and all other Expences that shall "be incurred for the common Defence or general Welfare, and allowed by "the United States in Congress assembled, shall be defrayed out of a com-"mon Treasury, which shall be supplied by the several States in Proportion

Part of the eighth Article of Confederation annulled.
‡ *So in the Original.*

A. D. 1785. Inde. *U. S.* IX.

" to the Value of all Land within each State, granted to or ſurveyed for any " Perſon as ſuch Land, and the Buildings and Improvements thereon, ſhall " be eſtimated according to ſuch Mode as the United States in Congreſs " aſſembled, ſhall, from Time to Time direct and appoint;" ſhall be, and the ſame is hereby revoked and made void, ſo far as the ſame extended to this State.

And the Delegates to ſubſcribe and ratify the Words herein mentioned, in the Place thereof.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Delegates for the Time being, repreſenting this State in the Congreſs of the United States, or any three of them, and they are hereby required to ſubſcribe and ratify the following, as Part of the ſaid Inſtrument of Union, and in Place of the Part revoked and made void as aforeſaid, *to wit;* " That all Charges of War, and all other Expences that have been, " or ſhall be incurred for the common Defence or general Welfare, and " allowed by the United States in Congreſs aſſembled, except ſo far as ſhall " be otherwiſe provided for, ſhall be defrayed out of a common Treaſury, " which ſhall be ſupplied by the ſeveral States in Proportion to the whole " Number of White and other Free Citizens and Inhabitants of every Age, " Sex and Condition, including thoſe bound to Servitude for a Term of " Years, and three Fifths of all other Perſons not comprehended in the " foregoing Deſcription, except Indians, not paying Taxes in each State;" which ſaid Alteration, when ſo ſubſcribed and ratified, ſhall be deemed and held to be as ſufficient and valid for the Purpoſes therein mentioned, as the Part herein before revoked and made void, was, or ought to have been before the Revocation and Diſannulling thereof.

To be as valid as that revoked was before its Revocation.

CHAP. LXIV.

Private.

An ACT *for the Relief of the Executors of* David Hunt, *deceaſed.*

Paſſed 9th April, 1785.

CHAP. LXV.

Private.

An ACT *for the Relief of* George Smith, *of* Suffolk *County.*

Paſſed 9th April, 1785.

CHAP. LXVI.

Repealed, 9th Seſſ. Ch. 67. Sec. 36. ‡ 7th Seſſ. Ch. 60.

An ACT *to facilitate the Settlement of the waſte and unappropriated Lands within this State, and for repealing the ‡ Act therein mentioned.*

Paſſed 11th April, 1785.

CHAP. LXVII.

Obſolete. See 9th Seſſ. Ch. 31. 10th Seſſ. Ch. 55. 11th Seſſ. Ch. 78.

An ACT *for building a Court-Houſe and Gaol in the County of* Dutcheſs, *and for other Purpoſes therein mentioned.*

Paſſed 11th April, 1785.

CHAP. LXVIII.

Repealed as to Duties, 10th Seſſ. Ch. 81. Sec. 38. Expired as to Bounty on Hemp, 1ſt Jan. 1788. *And whole Act repealed, 11th Seſſ. Ch. 73. Sec. 2.*

An ACT *granting a Bounty on Hemp to be raiſed within this State, and impoſing an additional Duty on ſundry Articles of Merchandize, and for other Purpoſes therein mentioned.*

Paſſed 12th April, 1785.

CHAP.

CHAP. LXIX.

A. D. 1785. Inde. U. S. IX.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of* Albany, *for the Time being, or the major Part of them, to order the raising a Sum not exceeding* One Thousand Pounds, *for the Purposes therein mentioned.*

Obsolete.

Passed 12th April, 1785.

CHAP. LXX.

An ACT *more effectually to compel* Abraham Lott, *late Treasurer of the Colony of* New-York, *to account to the Treasurer of this State for such Sums of Money as the said* Abraham Lott *has received while he was Treasurer of the said Colony, and for which he has not accounted.*

Obsolete.

Passed 18th April, 1785.

CHAP. LXXI.

An ACT *for regulating the Fees of the several Officers and Ministers of the Courts of Justice within this State.*

Repealed 12th Sess. Ch. 25. Sec. 8.

Passed 18th April, 1785.

CHAP. LXXII.

An ACT *authorizing the Freeholders and Inhabitants of the Township of* Westchester, *to choose Trustees for the Purposes therein mentioned.*

Passed 18th April, 1785.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful for the Freeholders and Inhabitants of the Township of *Westchester*, in the County of *Westchester*, to assemble at the usual Place of holding Town-Meetings, on the first Tuesday in *May* next, and on the first Tuesday in *April* in every Year thereafter; and then and there, in the usual Manner of electing Town Officers, to choose six Freeholders who shall be resident in the said Township, for Trustees; which Trustees, when so chosen, or a Majority of them, shall and may order and dispose of all or any Part of the undivided Lands within the said Township, as fully and amply, to all Intents, Constructions and Purposes whatsoever, as Trustees have used and been accustomed to do under any Patent or Patents, Charter or Charters, heretofore given or granted to the Freeholders and Inhabitants of the said Township. And also, that it shall and may be lawful for the Trustees to be chosen and elected by Virtue of this Act, to lease out the Right and Privilege of setting up, keeping and maintaining a Ferry across the *East-River*, from the said Township of *Westchester* to the Township of *Flushing*, in *Queen*'s County, in like Manner, and under the same Rules and Regulations, and for the like Purposes as are prescribed for the Townships of *Oyster-Bay* and *New-Rochelle*, in and by an ‡ Act establishing and regulating Ferries across the *East-River*, between the Counties of *Queen*'s and *Westchester*, passed at this present Meeting of the Legislature. *Provided always*, That the Rates of Ferriage to be demanded, received or taken at such Ferry, to be kept from the said Township of *Westchester* to the Township of *Flushing*, shall not exceed the three fourth Parts of the Rates of Ferriage, for the like Persons and Articles, by the said Act allowed to be taken and received at the Ferry to be kept from the Township of *New-Rochelle*.

Freeholders and Inhabitants of *Westchester*, to choose six Trustees to dispose of the undivided Lands in the Township,

And to lease a certain Right of Ferriage.

‡ *8th Sess. Ch.* 46.

Rates of Ferriage.

II. *And be it further Enacted by the Authority aforesaid*, That the District formerly called and known by the Stile of the Borough and Town of *Westchester*, shall henceforth be called and known by the Name of the Township of *Westchester*.

District of *Westchester*, to be known by the Name of the Township of *Westchester*.

CHAP.

A. D. 1785. Inde. U. S. IX.

See 7th Seſſ. Ch. 64. Sec. 47 and 48.

CHAP. LXXIII.

An ACT *for the Relief of* Thomas Clark, *and for other Purpoſes therein mentioned.*

Paſſed 20th April, 1785.

Preamble.

WHEREAS the undivided Moiety of Twelve Thouſand Acres of Land, ſituate in *New-Perth*, in the County of *Waſhington*, lately known by the Name of *Charlotte* County, hath become veſted in the People of this State, by the Attainder of *Oliver De Lancey*, who held the ſame, in Common, with *Peter Du Bois*. *And whereas* the ſaid *Peter Du Bois* was alſo attainted—and the ſaid *Oliver De Lancey* and *Peter Du Bois*, before their Attainder, granted the ſaid Twelve Thouſand Acres of Land to *Thomas Clarke*, in Fee, reſerving a yearly Rent of *One Shilling* an Acre forever, and afterwards the ſaid *Thomas Clarke* granted the ſaid Lands to a Number of Perſons in Severalty, in Fee, reſerving the ſame Rent on each reſpective Grant. *And whereas* the ſaid *Peter Du Bois*, before his Attainder, mortgaged his Eſtate in the ſaid Lands for a conſiderable Sum of Money, to *Jonathan Mallet*; and afterwards, *That is to ſay*, On the Twentieth Day of *December*, in the Year of our Lord One Thouſand Seven Hundred and Seventy, having become inſolvent, did grant and convey, among other Things, all his Eſtate in the Lands above mentioned, to certain Truſtees therein named, and to their Heirs and Aſſigns, to be converted into Money; and after diſcharging the above mentioned Mortgage, to be diſtributed among his Creditors named in a certain Schedule annexed to the Indenture, purporting ſuch Conveyance as aforeſaid. *And whereas* the ſaid *Peter Du Bois* is ſince dead, and the ſaid *Thomas Clarke* hath, by his humble Petition to the Legiſlature, prayed Leave to ſurrender his Eſtate in the ſaid Lands, on being releaſed from the Covenants entered into by him with the ſaid *Oliver De Lancey* and *Peter Du Bois*; and that he may receive a Compenſation for procuring Settlers on the ſaid Lands by his Induſtry and Exertions, agreeable to certain Engagements entered into with him by the ſaid *Oliver De Lancey* and *Peter Dubois*; and the Truſtees of the Creditors of the ſaid *Peter Du Bois* having ſignified their Deſire, that the ſaid *Thomas Clarke* ſhall make ſuch Surrender, and be diſcharged from the Covenants entered into by him as aforeſaid, ſo far as reſpects the Moiety veſted in them under the ſaid *Peter Du Bois*. And that they may alſo be more effectually enabled to accompliſh the ſaid Truſt, which from the Attainder of one of the ſaid Truſtees, is embarraſſed with Difficulties; and the Legiſlature being willing to comply with the Petition of the ſaid *Thomas Clarke*, ſo far as the ſaid Lands are veſted in the People of this State; and in Order that the Embarraſſments attending the Execution of the ſaid Truſt ſhould be removed; Therefore,

The Eſtate and Right of *Thomas Clarke* in certain Lands, conveyed to him by *Oliver De Lancey* and *Peter Du Bois*, veſted one Half in the State, and the other in the Truſtees of *Peter Du Bois*'s Creditors.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Eſtate, Right, Title, Rents, Iſſues, Profits, Reverſions and Remainders, of and in the ſaid Tract of Land and Premiſes, whereof the ſaid *Thomas Clarke* is in any wiſe ſeiſed, or entitled by Virtue of, or under the Grant and Conveyance ſo to him thereof made by the ſaid *Oliver De Lancey* and *Peter Du Bois*, in Manner aforeſaid, and all and every Indenture, Covenant, Grant, Agreement and Reſervation to him made and entered into with the ſaid *Thomas Clarke*, for or in Reſpect of the ſaid Tract of Land, by all and every his Grantees and Under-Tenants, to whom he hath granted and conveyed the ſame, or any Part or Parcel thereof, ſhall be, and hereby are fully and abſolutely transferred and veſted in Manner and Form following, *That is to ſay*, One full and equal undivided Moiety, or half Part thereof, in the People of this State, and the other full and equal undivided Moiety, or half Part thereof, in ſuch of the ſurviving Truſtees of the Creditors of the ſaid *Peter Du Bois*, as are or may be capable in the Law to execute the ſaid Truſt, and

on

A.D. 1785.
Inde. U. S. IX.

on or before the twelfth Day of *Auguſt* next, ſhall take an Oath faithfully to account to the People of this State, for the Surplus of the Monies ariſing from the Moiety of the ſaid Land and Premiſes, which ſhall remain in their Hands, after paying the Debts in the ſaid Schedule mentioned, if any Surplus there ſhall be; which Oath ſhall be adminiſtered by one of the Judges of the Supreme Court, and filed in the Secretary's Office. And it ſhall and may be lawful for the People of this State, and for ſuch of the Truſtees of the Creditors of the ſaid *Peter Du Bois*, as aforeſaid, reſpectively to have and maintain ſeparate Suits and Actions in their own Names ſeverally, for the Recovery each of the equal Moiety of all or any of the ſaid Lands and Tenements, and the Rents, Iſſues and Profits thereof, or reſerved thereupon, which at and immediately before paſſing of this Act, were veſted in, or forfeited or due, and in Arrear to the ſaid *Thomas Clarke*, or which thereafter ſhall or may become forfeited or in Arrear, as fully and amply as the ſaid *Thomas Clarke* might or could have ſued for or recovered the ſame, had this Act never been paſſed.

Truſtees after paying his Debts to account with the State.

The People, and the Truſtees may reſpectively maintain ſeveral Suits for Recovery of the Land and Rents veſted in them.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioner of Forfeitures for the Eaſtern Diſtrict of this State, and he is hereby authoriſed and required to grant, ſell and diſpoſe of the Eſtate, Right and Intereſt of the People of this State, in and to the Moiety of the ſaid Lands, and the Rents, Iſſues and Profits thereof, in the ſame Manner as by Law he may or ought to grant and convey other Lands and Tenements, belonging and forfeited to the People within the ſaid Eaſtern Diſtrict. And in like Manner it ſhall be lawful for ſuch Truſtees or Truſtee of the Creditors of the ſaid *Peter Du Bois*, to grant, ſell and diſpoſe of the Moiety of the Right, Eſtate and Intereſt ſo veſted in them, of and in the ſaid Lands and Tenements, and the Rents, Iſſues and Profits thereof. *Provided always*, That no Act or Deed, Grant or Releaſe, Action or Suit, Judgment or Execution, to be made, executed, ſued or proſecuted on the Part of the People of this State, with Reſpect to the ſaid Lands and Tenements, or the Rents and Profits thereof, ſhall in anywiſe affect the Moiety thereof ſo veſted in the Truſtees of the Creditors of the ſaid *Peter Du Bois*, or prejudice or bar any Action or Suit by them to be commenced or proſecuted reſpecting the ſame; and that no Act or Deed, Grant or Releaſe, Action or Suit, Judgment or Execution to be done, executed, ſued or proſecuted by or on the Part of the Truſtees for the Creditors of the ſaid *Peter Du Bois*, with Reſpect to the Moiety of the ſaid Lands and Premiſes, or the Rents, Iſſues and Profits thereof, ſo vected in them, ſhall in any Way affect the Moiety thereof veſted in the People of this State, or bar any Action or Suit by or for them to be commenced or proſecuted reſpecting the ſame; but until Partition ſhall be made thereof, the People of this State, their Grantees and Aſſigns, ſhall be entitled to, and have, recover and receive, one equal Moiety of the Rents, Iſſues and Profits, reſerved on and payable out of the ſaid Lands and Premiſes; and the Truſtees of the ſaid *Peter Du Bois*, their Grantees and Aſſigns, the other equal Moiety thereof. *Provided always*, That the ſaid Truſtees of the Creditors of the ſaid *Peter Du Bois*, ſhall faithfully account to the Treaſurer of this State, for any Surplus which may remain in their Hands, after paying and ſatisfying the Debts mentioned in the Schedule annexed to the Deed of Truſt from the ſaid *Peter Du Bois*; and alſo ſuch Proportion or Dividend of the ſaid Eſtate, as is or may be due to *Henry White*, *Iſaac Low* and *John Tabor Kemp*, three of the Creditors of the ſaid *Peter Du Bois*, named in the ſaid Schedule, their Eſtate being forfeited to and veſted in the People of this State, by Attainder; which Proportion or Dividend may be paid by the Under-Tenants of the ſaid *Thomas Clarke*, proportionably, in ſuch Certificates as are receivable by Law in the Purchaſe of Lands forfeited to the People of this State.

Commiſſioner of Forfeitures to ſell the Moiety veſted in the State.

And Truſtees to ſell that veſted in them.

No Act on the Part of the State to affect the Moiety veſted in the Truſtees;

And no Act of the Truſtees to affect the Moiety veſted in the State.

Truſtees to account to the Treaſurer for Surplus, and for the Dividends of *White*, *Low* and *Kempe*.

A. D. 1785. Inde. U. S. IX.

Compenſation to *Thomas Clarke*, for promoting the Settlement of the Lands.

III. *And be it further Enacted by the Authority aforeſaid*, That as a Compenſation for the Services and Expences of the ſaid *Thomas Clarke*, in promoting the Settlement of the ſaid Lands, the Treaſurer of this State pay to him the Sum of *Fifty Pounds*, in Specie, and grant to him a Certificate or Certificates, for *One Hundred and Fifty Pounds*, which ſhall be receivable in Payment on the Sale of confiſcated Eſtates. *Provided always*, That the ſaid *Thomas Clarke* ſhall previouſly pay to the ſaid Commiſſioner, ſuch of the Rents and Arrears of Rent, as the ſaid *Thomas Clarke* has received from any of the Tenants aforeſaid, and which he has not paid, or for which he has not accounted to the ſaid *Oliver De Lancey* and *Peter Du Bois*. *And provided alſo*, That the ſaid *Thomas Clarke* do previouſly pay to the ſaid Commiſſioner, ſuch Sum or Sums of Money as he ſhall or may have received in Conſequence of his Sale of any of the ſaid Lands, on Account of the Tenants not paying their Rents, or not performing any of the Covenants or Agreements contained in any of the Leaſes granted to the ſaid Tenants; and that in ſuch Caſe, the ſaid *Thomas Clarke*, his Heirs, Executors and Adminiſtrators, ſhall be finally diſcharged from the Covenants by him entered into with the ſaid *Oliver De Lancey* and *Peter Du Bois*, reſpecting the ſaid Lands.

But *Thomas Clarke* to pay the Rent received, and not accounted for,

And Monies by him received on Sales.

In ſuch Caſe he ſhall be diſcharged from his Covenants.

CHAP. LXXIV.

Private.

An ACT *for the Relief of* Ram Hertenburgh *and* John Carpenter.

Paſſed 20th April, 1785.

CHAP. LXXV.

Repealed as to the City of New-York, *10th Seſſ. Ch. 86. Sec. 6. And the Reſidue of the Act is obſolete.*

An ACT *for the Relief of Perſons improperly taxed.*

Paſſed 20th April, 1785.

CHAP. LXXVI.

8th Seſſ. Ch. 7 & 60. Obſolete.

An ACT *to explain two Acts therein mentioned.*

Paſſed 20th April, 1785.

CHAP. LXXVII.

Private.

An ACT *to enable* Abraham Spier *and* John Spier, *ſurviving Executors of the laſt Will and Teſtament of* Abraham Spier, *late of* Richmond *County, deceaſed, to ſell and convey the real Eſtate of the Teſtator, for the Payment of his Debts, and for other Purpoſes therein mentioned.*

Paſſed 21ſt April, 1785.

CHAP. LXXVIII.

‡ *7th Seſſ. Ch. 52.*

An ACT *to extend an Act, entitled,* ‡ *An* Act *for the better laying out, regulating and keeping in Repair, all common and public Highways and private Roads, in the Counties of* Ulſter, Orange, Dutcheſs, Waſhington, Weſtcheſter, Albany *and* Montgomery, *to the County of* Richmond.

Paſſed 21ſt April, 1785.

Act concerning Highways extended to *Richmond* County.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the above mentioned Act, (which paſſed the fourth Day of *May*, One Thouſand Seven Hundred and Eighty-four) be, and is hereby extended to the County of *Richmond*.

CHAP.

CHAP. LXXIX.

A.D. 1785.
Inde. *U. S.* IX.

Private.

An ACT *to naturalize the Persons therein named.*

Passed 22d April, 1785.

CHAP. LXXX.

An ACT *authorizing the Auditor to audit certain Accounts and Claims, and for other Purposes therein mentioned.*

Passed 22d April, 1785.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the Auditor of this State be, and is hereby directed to liquidate the Accounts of *Udny Hay*, late State-Agent, in the best Manner he can, and to obtain from the said *Udny Hay*, all the Accounts and Vouchers he has in his Possession, with a particular Account of the Monies he has advanced to the Deputies under him; and the said Auditor is hereby directed to charge each respective Deputy with the Amount of each respective Sum, and each of them respectively, are hereby directed to settle with the said Auditor in three Months from the passing this Act.

Auditor, how to audit the Accounts of *Udny Hay*.

II. *And be it further Enacted by the Authority aforesaid*, That the respective Deputies shall produce to the Auditor, all the Accounts and Vouchers respecting their Agency; and they shall particularly make a Return of all the Certificates they have respectively issued, to whom issued, and to what Amount; and shall take the following Oath (or if of the People called Quakers) Affirmation:

Deputies to produce to the Auditor, all Vouchers respecting their Agency on Oath.

Form of the Oath.

I do solemnly swear (or affirm) that the Return herewith delivered to the Auditor of this State, is a just and true Return of all the Certificates I have countersigned as Deputy under the State-Agent; and that I have issued none but to Persons from whom I have actually received Supplies, or Services performed for the Use of the Army, to the Amount of the Sum mentioned in such Certificate; and that such Supplies furnished, were disposed of, and Services performed, were agreeable to the Direction of the State-Agent; and the said Return herewith delivered, contains the whole Number I have issued.

III. *And be it further Enacted by the Authority aforesaid*, That the said Auditor is hereby directed, from the Accounts delivered in by the said Agent and his Deputies, to examine and enter in a Book, alphabetically, the Names of all Persons to whom Certificates have been given, by whom countersigned, and for what Amount; a Copy of which he is to deliver to the Treasurer of this State; and the said Treasurer is hereby directed to enter in a Book for the Purpose, the Number of each Certificate that is paid in to him; the Name of the Deputy who countersigned them, Name of the Person in whose Favor the Certificate was drawn, and the Amount thereof; and to carefully examine and compare the said Account with that delivered in by the Auditor; and if on such Examination he finds any Certificates paid in to him, and for which there is no Return made thereof by the Agent, or any of his Deputies, it is hereby made the Duty of the Treasurer to examine into every such Case; and where it appears to him, there has been Certificates issued with an Intent to defraud the State, the said Treasurer is hereby directed to prosecute to Effect, every such Person who issued them.

How the Auditor is to state the Accounts of the Agent and his Deputies.

A Copy to be delivered to the Treasurer.

His Duty thereon.

IV. *And be it further Enacted by the Authority aforesaid*, That the Auditor, in liquidating the Accounts of the said State-Agent, shall allow the said Deputies, in Lieu of all Pay and Services, as follows: For purchasing every Hundred Weight of Meal or Flour, *One Shilling*; every Bushel of Grain and

Commission allowed the Deputies in Lieu of Pay.

A. D. 1785. Inde. *U. S.* IX.

and Vegetables, *Four-pence* per Buſhel; every Hundred Weight of Beef or Pork, *One Shilling* and *Six-pence*; and *Twelve Shillings* per Day for purchaſing Hay, while in actual Service.

And to receive Certificates for the Balances due them.

V. *And be it further Enacted by the Authority aforeſaid*, That all Balances that may be found due to any or either of the Deputies under the State-Agent, the Treaſurer is hereby directed to give every ſuch Perſon, upon producing a Certificate from the Auditor, a Certificate for the Amount thereof, bearing Intereſt at five per Cent. per Annum; which Certificates ſhall be ſuch as are receivable in the Purchaſe of forfeited and confiſcated Eſtates.

How Auditors to ſettle Accounts when proper Vouchers are wanting.

VI. AND *whereas* it is probable, in the Settlement of the ſaid State-Agent's Accounts, that Difficulties may ariſe, for Want of Vouchers and Papers that have been deſtroyed by Fire; *Be it Enacted*, That the Auditor in the Settlement of all the Accounts with the ſaid State-Agent and his Deputies, ſhall take his Directions from the Committee appointed by the Legiſlature on the ‖ eighteenth Day of *November* laſt, and ſhall ſtate the ſaid Accounts in ſuch Manner as they ſhall direct; and ſhall, for Want of proper Vouchers, admit ſuch Evidence as the Committee may think proper; and the ſaid Committee are hereby authoriſed and directed to admit ſuch Evidence upon every particular Caſe, as they may think proper, and to adjuſt and ſettle all ſuch Accounts upon the Principles of Equity and good Conſcience.

‡ *7th Seſſ. Ch.* 45.

VII. AND *whereas* by an Act, entitled, ‡ *An* Act *for the Settlement of the Pay of the Levies and Militia*, paſſed the Twenty-ſeventh Day of *April*, One Thouſand Seven Hundred and Eighty-four, the Officers receiving Certificates for Services, are directed, within nine Months, to render a juſt and true Account of the Delivery of the ſame, with Vouchers of Payment; and in Caſe any ſhall remain in his or their Hands, ſhall return the ſame to the ſaid Treaſurer: *And whereas* it has been repreſented to the Legiſlature, that Abuſes have been committed by ſome of the Officers, and the Certificates not delivered agreeable to Law; the ſaid Treaſurer ſhall, and is hereby directed to proſecute, in three Months after the Expiration of the ſaid nine Months, in his own Name, in any Court of Record in this State, having Cognizance of the ſame, every delinquent Perſon, and for the whole Amount of ſuch Sums for which Certificates were iſſued: And the Treaſurer is hereby directed to require of every Perſon returning ſuch Vouchers and Receipts, to take the following Oath before him, or any Juſtice of the Peace in this State, that the Receipts they reſpectively produce from the Individuals to whom the Certificates belonged, were, *bona fide*, ſigned by them, or their legal Repreſentatives, to the Beſt of their Knowledge and Belief; which Oath ſaid Treaſurer is hereby authoriſed to adminiſter.

Treaſurer to proſecute Militia Officers who have not accounted for Certificates,

And to require an Oath from Perſons returning Vouchers and Receipts;

VIII. AND *whereas* large Sums of Money have been advanced from Time to Time, in the Courſe of the late War, to Perſons who have not as yet accounted for the ſame, and other Perſons have in their Hands Monies for Property by them ſold, belonging to the State; and as it is neceſſary that all ſuch Accounts ſhould be immediately ſettled; *Be it Enacted by the Authority aforeſaid*, That the Treaſurer of this State do notify all Perſons who are indebted to this State, in one or more News-papers printed in the Cities of *New-York* and *Albany*, for ſix Weeks ſucceſſively, to bring in their Accounts and Vouchers for Settlement, on or before the firſt Day of *October* next, and in Caſe of Neglect or Refuſal, the Treaſurer is hereby directed to proſecute, in his own Name, to Effect, every ſuch delinquent Perſon.

And to notify all Perſons indebted to the State, to bring in Accounts, and to proſecute Delinquents.

IX. *And*

‖ *This is a Miſtake, no ſuch Committee was appointed on that Day; but ſee 8th Seſſ. Ch.* 18. *Sec.* 22.

A. D. 1785.
Inde. *U. S.* IX.

Auditor and Committee to ſettle Accounts of Citizens againſt State-Agent.

IX. *And be it further Enacted by the Authority aforeſaid*, That the Auditor of this State, by and with the Conſent of the Committee appointed to aſſiſt the Auditor, be, and is hereby authoriſed to liquidate and ſettle any Account or Claims which any of the Citizens of this State may have againſt the ſaid State-Agent or any of his Deputies. And the Treaſurer of this State is hereby directed, upon Certificate of the Auditor, to grant a Certificate for ſuch Sums reſpectively, as may be found due.

Collectors of *New-York* and *Sagg-Harbour* to make Return to Auditor,

‡ *7th Seſſ. Ch.* 10.

Who is to certify it to the Treaſurer.

X. *And be it further Enacted by the Authority aforeſaid*, That the Collector for the Ports of *New-York* and *Sagg-Harbour*, ſhall reſpectively produce to the Auditor of this State, within two Months from the paſſing of this Act, a true and juſt Return on Oath, of all the Goods, Wares and Merchandize ſubject to Duty by the Act paſſed the Twenty-ſecond Day of *March*, One Thouſand Seven Hundred and Eighty-four, entitled, ‡ *An* Act *impoſing Duties on the Importation of certain Goods, Wares and Merchandize*; and alſo a true and juſt Return of all the Fees received in each reſpective Office; and on a final Examination and Settlement of each reſpective Account, the Auditor of this State is hereby directed to certify to the Treaſurer the Amount thereof, and the Treaſurer is hereby directed to call on each reſpective Collector, for the Balance of each Account, if any be due.

Where a Balance is due to the State, how to be ſettled and paid.

XI. *And be it further Enacted by the Authority aforeſaid*, That the Auditor of this State, upon the Settlement of each reſpective Account where there is a Balance due to the State, the Committee appointed to aſſiſt the ſaid Auditor ſhall, with the Auditor and Treaſurer, or a Majority of them, determine how the ſaid Balance ſhall be paid into the Treaſury; and the ſaid Committee, with the Auditor and Treaſurer, are hereby authoriſed to examine and aſcertain upon each particular Account, upon the Principles of Equity and good Conſcience, and determine what Balances ought to be paid in the Paper Money and other State Securities, and what in Specie.

When, and how the State Treaſurer's Accounts are to be examined.

XII. AND *whereas* great Abuſes have been committed by the Treaſurers under the late Colony, in converting the public Money to private Uſes, by which Means the State have ſuffered great Loſſes; and it becomes the Duty of the Legiſlature, in future to provide againſt every ſuch Abuſe; *Be it Enacted by the Authority aforeſaid*, That the Committee appointed to aſſiſt the Auditor in the Settlement of the public Accounts, be, and is hereby authoriſed and directed to examine into the Accounts of the Treaſurer of this State, and his Succeſſors in Office, and from Time to Time, and at leaſt once in every Year, to aſcertain and fully balance his Account for the preceding Year; and once in every ſix Months after paſſing this Act, they are hereby directed to aſcertain and examine his Caſh Account, and to ſee whether the Balance due to the State is actually in the Treaſury; and the ſaid Committee are hereby directed to lay a State of the Treaſury before the Legiſlature, at their next Meeting.

Fourth Section of the Vendue Act repealed.
‡ *7th Seſſ. Ch.* 4.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the fourth Section of the Act, entitled, ‡ *An* Act *for the Regulation of Sales by public Auction*, paſſed the ‖ tenth Day of *February*, One Thouſand Seven Hundred and Eighty-four, be, and is hereby repealed.

Vendue-Maſters to account every three Months to the Treaſurer.

XIV. *And be it further Enacted by the Authority aforeſaid*, That every Vendue-Maſter or Vendue-Maſters, Auctioneer or Auctioneers, qualified and licenced as is by the before-recited Act directed, and during the Continuance thereof, who ſhall ſell and diſpoſe of any Goods, Chattels, Wares, Merchandize or Effects, at public Vendue, Auction or Outcry, ſhall, within Twenty Days after the Expiration of every three Months, the firſt three Months to be computed from the Date of the Licence granted to ſuch Vendue-Maſter or

‖ *This is a Miſtake, the Act paſſed the* Twentieth. *See 7th Seſſ. Ch.* 4.

A.D. 1785. Inde. *U. S.* IX.

Vendue-Maſters, Auctioneer or Auctioneers reſpectively, render a juſt and true Account in Writing, by him or them reſpectively, with his or their Name or Names ſubſcribed, to the Treaſurer of this State for the Time being, of all Goods, Wares, Merchandize or Effects, by him or them ſold at public Vendue, Auction or Outcry, from the Time of his or their Appointment, or the Time that the laſt Account by him or them was rendered to the Treaſurer as aforeſaid, the Amount of each Day's Sale, and the Days when the ſame were reſpectively ſold; and ſhall thereupon take the following Oath, or (if of the People called Quakers) Affirmation:

Form of the Oath.

I *do ſolemnly and ſincerely ſwear (or affirm) that the Account now exhibited by me, and to which I have ſubſcribed my Name, contains a juſt and true Account of all the Goods, Wares, Merchandize and Effects ſold by me, ſubject to Duty by Law, within the Time mentioned in the ſaid Account, and of the Days upon which the ſame were reſpectively ſold.* SO HELP ME GOD.

And in ten Days to pay the Duties payable by them.

AND ſuch Vendue-Maſter or Vendue-Maſters, Auctioneer or Auctioneers reſpectively, ſhall, within ten Days after the rendering of ſuch Account and taking the ſaid Oath, pay to the Treaſurer of this State for the Time being, the Amount of the Duty upon ſuch Account of Sales by Virtue of this Act, according to the true Intent and Meaning thereof. *Provided always*, That it ſhall and may be lawful for ſuch Vendue-Maſter or Auctioneer, whoſe Reſidence ſhall be more than ſixty Miles from the City of *New-York*, to render his ſaid Account, and to pay the Amount of ſuch Duties as by this Act he is directed to pay unto the Treaſurer of this State, within twenty Days after the Expiration of every ſix Months, the firſt ſix Months to be computed from the Date of the Licence granted to ſuch Vendue-Maſter or Auctioneer.

But ſuch as live above 60 Miles from *New-York*, to account and pay in 20 Days after every ſix Months.

On their Refuſal to account, the ſame to be publiſhed, and their Licence to be void.

XV. *And be it further Enacted by the Authority aforeſaid*, That if any Auctioneer or Auctioneers ſhall neglect or refuſe to render in his or their Account, or to pay the Money due from him or them to the State, for the Duties, according to Law, the Treaſurer of this State ſhall and may, in every Caſe of ſuch Neglect and Refuſal, certify and publiſh the ſame in one or more of the public News-Papers of this State; and from the Time of publiſhing ſuch Advertiſement as aforeſaid, the Licence of every ſuch Delinquent Auctioneer ſhall be, and is hereby declared to be revoked, null and void.

Quakers entitled to Relief by 45th Section of Act for the Sale of confiſcated Eſtates, inſtead of taking the Oath, may affirm.

‡ *7th Seſſ. Ch.* 64.

XVI. *And be it further Enacted by the Authority aforeſaid*, That when any Perſon or Perſons that are entitled to the Relief provided by the Forty-fifth Section of the Act, entitled, ‡ *An* Act *for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*, paſſed the twelfth Day of *May*, One Thouſand Seven Hundred and Eighty-four, are of the People called Quakers, it ſhall be lawful for them to affirm, inſtead of taking the Oath therein preſcribed.

Treaſurer to give Certificates for Monies due for apprehending Deſerters.

‡ *4th Seſſ. Ch.* 63.

XVII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this State is hereby authoriſed and required to grant a Certificate in the uſual Form, bearing Intereſt at the Rate of Five per Cent. per Annum, from the Time ſuch Money ought to be paid, as a Bounty for apprehending Deſerters, to any Perſon or Perſons producing a Certificate agreeable to an Act, entitled, ‡ *An* Act *to encourage the apprehending of Deſerters from the Troops of this State, ſerving in the Army of the United States*, paſſed the firſt Day of *July*, One Thouſand Seven Hundred and Eighty-one.

Commiſſioners of Forfeitures and Sequeſtration to receive certain Rents, and other Debts due to them in Certificates.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for the Commiſſioners of Forfeitures, and for the late Commiſſioners of Sequeſtration, in the reſpective Diſtricts, and they are hereby directed to receive from the Perſons who are or were the Tenants on forfeited

A. D. 1785.
Inde. *U. S.* IX.

feited or ſequeſtered Eſtates, for Rents due from ſuch Tenants reſpectively, previous to the firſt Day of *April*, One Thouſand Seven Hundred and Eighty-three, ſuch Certificates as are directed to be received in Payment for forfeited Eſtates, by an Act, entitled, *An* Act *for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*, paſſed the twelfth Day of *May*, One Thouſand Seven Hundred and Eighty-four; and that it ſhall be lawful for the late Commiſſioners of Sequeſtration in the ſeveral Counties in this State, or any other Perſon or Perſons properly authoriſed by Law for that Purpoſe, to take and receive in Payment from any Perſon indebted to the Commiſſioners, for any Article or Articles heretofore ſold by them, any of the Certificates aforeſaid. *Provided*, That where Rents are reſerved in Wheat, the ſaid Commiſſioners are hereby directed to charge each reſpective Tenant at and after the Rate of *Eight Shillings* per Buſhel. *Provided*, That ſuch Payments are made before the firſt Day of *October* next: *And alſo provided*, That no Intereſt ſhall be allowed or computed on the ſaid Certificates in their Payments for the Rents, and Articles ſold as aforeſaid.

XIX. And *whereas*, in the Thirty-ſecond Clauſe of the Act, entitled, ‡ *An* Act *to compel the Payment of the Arrears of Taxes, for enforcing the Payment of* [**the Arrears of Taxes, for enforcing the Payment of*] *Fines and Amerciaments, obliging Sheriffs to give Security for the due Execution of their Offices, and for other Purpoſes*, paſſed *November* the Twenty-ſixth, One Thouſand Seven Hundred and Eighty-four, no expreſs Authority is given to the Treaſurer to ſue for, recover and receive of ſuch Sheriff or Sheriffs ſo accounting, the Money for which he may be ſo accountable to the Auditor of this State, purſuant to the ſaid Thirty-ſecond Clauſe of the above mentioned Act: Therefore, *Be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this State for the Time being, be, and he is hereby directed and empowered to ſue for, recover and receive of and from each reſpective Sheriff ſo accounting, all ſuch Monies for which he ſhall in any wiſe be accountable, agreeable to the ſaid Thirty-ſecond Clauſe of the above mentioned Act.

‡ *8th Seſſ. Ch.* 16.
* *So in the Original.*

Treaſurer directed to ſue for, recover and receive Fines from Sheriffs.

XX. And *whereas* Colonel *Marinus Willet*, in the Progreſs of the late War, and while he commanded a Body of the Troops of this State, conceived it to be his Duty to take Poſſeſſion of and ſecure a conſiderable Number of Cattle and other Effects, the Property of ſome of the frontier Inhabitants, who were removed from their Habitations on Account of their Attachments to the Enemy; the greateſt Part whereof hath been applied to public Uſes, and the Remainder ſold to Individuals. And it appears from the Repreſentation of the ſaid *Marinus Willet*, that he hath taken Receipts, Certificates and Notes, in his own Name, for the ſaid Cattle and Effects; which Receipts, Certificates and Notes he is deſirous to transfer and ſurrender for the Uſe of the People of this State: Therefore, *Be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid *Marinus Willet*, and he is hereby authoriſed and required to render an Account, on Oath, to the Auditor of this State, of the Cattle and Effects ſo by him, or under his Authority, ſecured and taken in Manner aforeſaid, and of the Application, Sale and Diſpoſal thereof, and of all Vouchers, Receipts, Certificates, Notes and Money which he may have received or become poſſeſſed of, in any wiſe reſpecting the ſame; and ſhall thereupon transfer, ſurrender and deliver up to the Treaſurer of this State, for the Uſe of the People thereof, all ſuch Vouchers, Receipts, Certificates, Notes and Money; in order that ſuch of the ſaid Cattle as have been applied for the Support of the Troops or Army, may, in due Manner, be charged and brought into Account againſt the United States: And that the former Owners of the ſaid Cattle and other Effects, who are entitled by Law to Satisfaction, may have an Opportunity of applying to the Legiſlature for the ſame.

Col. *Willet* to account to Auditor for Cattle and Effects taken by him and applied to public Uſes,

XXI. *And*

A. D. 1785. Inde. U. S. IX.

And indemnified on complying with this Law.

XXI. *And be it further Enacted by the Authority aforeſaid*, That on complying with what is required by this Act, the ſaid *Marinus Willet* ſhall be, and he hereby is fully and abſolutely indemnified, and ſaved harmleſs for all and every his Acts and Proceedings, touching the ſaid Cattle and Effects. And no Suit or Action in Law or Equity, ſhall be ſued or maintainable againſt him, by any Perſon or Perſons whomſoever, for or in Reſpect thereof.

No Action to be commenced or carried into Effect, againſt State-Agent or his Deputies, until a certain Time.

XXII. *And be it further Enacted by the Authority aforeſaid*, That no Actions, Suits or Proſecutions whatſoever, commenced or hereafter to be commenced, for or on Account of the Execution of the ſaid Office of State-Agent, or by any of his Deputies, ſhall be deemed, taken, or carried into Effect againſt the ſaid State-Agent or any of his Deputies, until the Riſing of the Legiſlature at the next Meeting, except where it is otherwiſe directed by this Act.

CHAP. LXXXI.

An ACT *to prevent the Firing of Guns and other Fire-Arms within this State, on certain Days therein mentioned.*

Paſſed 22d April, 1785.

Preamble.

WHEREAS great Dangers have ariſen, and Miſchief been done by the pernicious Practice of firing Guns, Piſtols, Rockets, Squibs and other Fire-Works, on the Eve of the laſt Day of *December*, and firſt and ſecond Days of *January*; For Prevention whereof for the future,

Perſons diſcharging Fire-Arms on certain Days, and within certain Limits, to pay a Fine of *Forty Shillings*.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That if any Perſon or Perſons whomſoever, ſhall fire or diſcharge any Gun, Piſtol, Rocket, Squib or other Fire-Work, within a Quarter of a Mile of any Building, on the ſaid Eve or Days before mentioned, every ſuch Perſon or Perſons ſo offending, and being thereof convicted before any Juſtice of the Peace of the City or County where ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties ſo offending, or the Oath of any one credible Witneſs, ſhall, for every ſuch Offence, forfeit the Sum of *Forty Shillings*, with Coſts of Suit, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of the ſaid Juſtice before whom ſuch Conviction or Convictions ſhall be had as aforeſaid; the one Moiety of which Forfeiture, to be applied to the Uſe of the Poor of the Town or Place wherein ſuch Offender ſhall be convicted, and the other Moiety to the Uſe of the Perſon or Perſons who ſhall proſecute for the ſame; and for Want of ſufficient Diſtreſs whereon to levy the ſame, every ſuch Juſtice is hereby empowered and required, by Warrant under his Hand and Seal, to commit every ſuch Perſon or Perſons ſo as aforeſaid offending, to the common Gaol of the County wherein the ſaid Forfeiture ſhall ariſe, there to remain without Bail or Mainpriſe, for the Space of one Month, unleſs ſuch Forfeiture or Forfeitures be ſooner paid.

CHAP. LXXXII.

Obſolete.

An ACT *to raiſe Troops for the Purpoſes, and in the Manner therein mentioned.*

Paſſed 22d April, 1785.

CHAP.

CHAP. LXXXIII.

A. D. 1785.
Inde. *U. S.* IX.

An ACT *for incorporating the Inhabitants residing within the Limits therein mentioned.*

Passed 22d April, 1785.

Preamble.

WHEREAS the Inhabitants of that Part of *Claverack* District herein after particularly mentioned and described, with other Inhabitants of the said District, have, by their Petition, among other Things represented to the Legislature, that a Number of the said Inhabitants having commercial Objects in View, have emigrated from the neighbouring States, and purchased a Tract of Land in the said District, adjacent to *Claverack* Landing, and made, at a great Expence, a Settlement thereupon; that they intend carrying on an extensive Commerce, and that in Order to facilitate their Undertakings, and to enable them to regulate their own Concerns and internal Police, to adjust such Differences as may arise within their own Limits, and give Stability and permanent Security to their Settlement, have prayed that the District of Country contained within the Limits herein after particularly mentioned, might be separated from the said District of *Claverack*, and that the Inhabitants thereof might be erected into a Body politic and corporate, with such Powers, Jurisdictions, Privileges and Immunities, as should be deemed requisite to answer the beneficial Purposes intended by such Incorporation. *And whereas* the Legislature are inclined to give every suitable Encouragement to the Extension of the Commerce of this State, and speedy Population thereof:

Part of *Claverack* District declared to be a Body corporate and politic, by the Name of, *The Mayor, Recorder, Aldermen and Commonalty of the City of* HUDSON;

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That the District of Country contained within the following Limits, *to wit*, Beginning at the Channel of the *Hudson's-River*, in the County of *Albany*, directly opposite the Mouth of the Creek commonly called Major *Abraham's Creek*; thence to and up the Middle of said Creek, to the Place where the *Claverack Creek* empties into the said Major *Abraham's Creek*; thence up along the Middle of said *Claverack Creek*, until the said *Claverack Creek* strikes the Line of the Manor of *Livingston*, as now held and possessed; thence along the Line of the said Manor of *Livingston*, to the East Side of *Hudson's-River*; thence into the said River, One Hundred and Eighty Feet below High-Water Mark; thence to the Place of Beginning, keeping the same Distance of One Hundred and Eighty Feet, all along from High-Water Mark aforesaid, be, and is hereby separated from the said *Claverack* District; and that all the Freemen of this State, Inhabitants within the aforesaid Limits, be, and hereby are ordained, constituted and declared to be, from Time to Time, and forever hereafter, one Body corporate and politic, in Fact and in Name, by the Name of, *The Mayor, Recorder, Aldermen and Commonalty of the City of* HUDSON; and that by that Name they and their Successors forever shall and may have perpetual Succession, and shall be Persons in Law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and Places whatsoever, in all Manner of Actions, Suits, Complaints, Matters and Causes whatsoever, and of what Kind or Nature soever; and that they and their Successors may have a common Seal, and may change and alter the same at their Pleasure; and also, that they and their Successors, by the same Name of, *The Mayor, Recorder, Aldermen and Commonalty of the City of* HUDSON, shall be in Law capable of purchasing, holding and conveying any Estate, real or personal, for the public Use of the said Corporation. *Provided nevertheless*, That all such real Estate shall lie and be included within the Limits of the said City of *Hudson* only, and not elsewhere. *Provided always*, That it shall and may be lawful to and for all and every the Citizens, Sojourners, and

And by that Name to have perpetual Succession, be capable of suing, and being sued, and to have a common Seal.

And to purchase and hold real and personal Estates.

But such real Estates to be within the City.

A. D. 1785. Inde. U. S. IX.

Travellers within this State, at all Times forever hereafter, to have the free Uſe and Enjoyment of all and every the High-Ways, Roads and Landing-Places within the Limits of the ſaid City, which have heretofore been uſed and enjoyed as ſuch, and that without any Toll, Claim or Demand of the ſaid Corporation for the ſame, or any other Interruption whatſoever, or any Alteration of ſuch Road or High-Way, without the Conſent and Approbation of the Commiſſioners of the High-Ways of the Diſtrict next adjoining to the ſaid City, whoſe Inhabitants ſhall make Uſe of ſuch Road or High-Way; any Thing in this Act contained to the Contrary hereof in anywiſe notwithſtanding.

Officers of the Corporation.

II. *And be it further Enacted by the Authority aforeſaid*, That there be, and forever hereafter there ſhall and may be, in and for the ſaid City, one Mayor, one Recorder, four Aldermen, four Aſſiſtants, one common Clerk, one chief Marſhal, one Chamberlain, one Superviſor, and as many Aſſeſſors, Collectors and Conſtables, as the Common Council for the ſaid City of *Hudſon*, herein after conſtituted and made, ſhall, from Time to Time, deem neceſſary, and direct to be choſen and elected; which Superviſor, Aſſeſſors, Collectors and Conſtables, ſo deemed neceſſary and directed to be choſen, ſhall, forever hereafter, be choſen and elected in the Manner, and at the Time and Place herein after directed and appointed for the annual Election of Officers within the ſaid City.

Council of Appointment to appoint Mayor and Recorder annually.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for his Excellency the Governor, or Perſon adminiſtring the Government of this State for the Time being, by and with the Advice and Conſent of the Council of Appointment, and he and they are hereby authoriſed and required, within one Month after the paſſing of this Act, and yearly forever thereafter, at ſuch Time as the ſaid Council ſhall be aſſembled immediately after the firſt Day of *May* in every Year, to nominate and appoint, out of the Citizens and Inhabitants of the ſaid City of *Hudſon*, one fit and diſcreet Perſon to be Mayor of the ſaid City, and one fit and diſcreet Perſon to be Recorder of the ſaid City; which ſaid Mayor and Recorder, after ſuch Appointments reſpectively, ſhall continue in their ſaid reſpective Offices, to do and to execute all Things which to their ſaid ſeveral Offices doth or may ſeverally and reſpectively belong, or in any Manner appertain, until other fit Perſons be appointed and ſworn in their Room; and in like Manner, a fit and diſcreet Perſon ſhall be appointed out of the ſaid Citizens and Inhabitants, to be common Clerk of the ſaid City, who ſhall hold and continue in Office during the Will and Pleaſure of the Governor and Council of Appointment, and alſo another fit and diſcreet Perſon ſhall be appointed out of the Citizens and Inhabitants of the ſaid City, to be the chief Marſhal thereof, whoſe Duty it ſhall be to execute Writs, Proceſſes and Precepts, to ariſe and be iſſued within the ſaid City, from the Courts and Magiſtrates thereof, in and about the Adminiſtration of Juſtice, in the ſame Manner as the Sheriffs of other Cities and Counties are by Law authoriſed to execute ſuch Writs, Proceſſes and Precepts; and which chief Marſhal ſhall be, from Time to Time, appointed, and ſhall hold and exerciſe his Office for ſuch Period as Sheriffs of other Cities and Counties by Law are or ought to be appointed, or may or ought by Law to hold and exerciſe their reſpective Offices; which ſaid Mayor, Recorder, Clerk and Marſhal, ſhall be annually nominated and appointed in Manner and Form aforeſaid, until otherwiſe directed by the Legiſlature.

And a Clerk, who ſhall hold his Office during Pleaſure.

And a Marſhal. His Duty.

Time of his Continuance in Office.

Aldermen and other Officers, when and how to be choſen.

IV. *And be it further Enacted by the Authority aforeſaid*, That on the ſecond Monday in *May* next, and on the ſecond Monday in *May* in every ſucceeding Year forever thereafter, the Freemen of the ſaid City, being Inhabitants thereof, ſhall

ſhall and may aſſemble themſelves, and meet together at ſuch Time of the Day, and at ſuch public Place as the Mayor for the Time being, or in his Abſence or Sickneſs, the Recorder for the Time being, ſhall appoint, and then and there, by Plurality of Voices or Votes, elect and chuſe out of the Freemen, Inhabitants of the ſaid City, for the enſuing Year, four Aldermen, four Aſſiſtants, one Superviſor, and ſuch a Number of Aſſeſſors, Conſtables and Collectors, as the Common Council for the ſaid City ſhall, from Time to Time, deem neceſſary, and direct to be choſen.

How a Chamberlain and Treaſurer to be appointed.

V. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, or Recorder of the ſaid City for the Time being, and two or more of the Aldermen, and two or more of the Aſſiſtants of the ſaid City, ſhall and may, on the ſecond Monday in *May* next, and on the ſecond Monday in *May* in every ſucceeding Year, forever thereafter, in Common Council, nominate and appoint one fit Perſon, being a Freeman and Inhabitant of the ſaid City, to be the Treaſurer and Chamberlain of the ſaid City, for the Year enſuing; every of which ſaid Perſons as are herein before nominated, or hereafter to be nominated, elected and appointed to any civil Office within the ſaid City, ſhall, within fifteen Days next after ſuch Appointment or Election, reſpectively take and ſubſcribe the Oath of Abjuration and Allegiance, now or hereafter appointed by Law, (or if of the People called Quakers, an Affirmation); and alſo an Oath or Affirmation, as the Caſe may require, for the faithful Execution of the Office to which he or they ſhall ſo be appointed.

All which Officers are to take the Oath of Abjuration and Allegiance, and an Oath of Office.

For neglecting to accept an Office, to be fined by the Corporation.

VI. *And be it further Enacted by the Authority aforeſaid*, That if any one of the Freemen, Inhabitants of the ſaid City of *Hudſon*, ſhall hereafter be elected or choſen to the Office of Alderman, Aſſiſtant, Superviſor, or Aſſeſſor, Collector or Conſtable, for the ſaid City, and having Notice of his ſaid Election, ſhall refuſe, deny, delay or neglect, to take upon him or them to execute ſuch Office to which he or they ſhall be ſo choſen or elected; that then, and ſo often as it ſhall happen, it ſhall and may be lawful for the Mayor or Recorder, or any two or more of the Aldermen, and any two or more of the Aſſiſtants of the ſaid City for the Time being, in Common Council, to aſſeſs and impoſe upon every ſuch Perſon or Perſons ſo refuſing, delaying or neglecting, ſuch reaſonable and moderate Fine and Fines, Sum and Sums of Money, as they, in Common Council, ſhall think fit, ſo as ſuch Fine for each Refuſal, Denial, Delay or Neglect, ſhall not exceed the Sum of *Ten Pounds*, current Money of *New-York*; all which ſaid Fines ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Delinquent and Delinquents, by Warrant under the Seal of the ſaid City, ſigned by the Mayor thereof for the Time being, rendering the Surpluſage to the Owner or Owners thereof (if any there be) neceſſary Charges of making and ſelling ſuch Diſtreſs, being firſt deducted; or by Action of Debt in any Court of Record within the Juriſdiction of the ſaid City, having Cognizance of the ſame, to be proſecuted, and ſhall be recovered and received by and to the Uſe of the ſaid Mayor, Aldermen and Commonalty of the ſaid City, and their Succeſſors forever.

How to be recovered and applied.

In the Abſence of the Mayor, Recorder to perform his Duties.

VII. *And be it further Enacted by the Authority aforeſaid*, That in all ſuch Caſes forever hereafter, of the Abſence, Sickneſs, or Death of the Mayor of the ſaid City for the Time being, it ſhall and may be lawful to and for the Recorder of the ſaid City for the Time being, to do and execute all and ſingular the Duties and Truſts to the Office of the ſaid Mayor belonging and appertaining, to all Intents, Purpoſes and Conſtructions whatſoever, during the Abſence or Sickneſs of ſuch Mayor, or until a Succeſſor be duly appointed and ſworn.

VIII. *And*

A.D. 1785. Inde. *U. S.* IX.

In Caſe of Death of an Alderman, &c. others to be choſen, and how.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if it ſhall happen that any of the Aldermen or Aſſiſtants, Superviſor, Aſſeſſors, Collectors or Conſtables, or any one of them hereafter to be elected, nominated and ſworn in their reſpective Offices as aforeſaid, ſhall happen to die, or remove out of the ſaid City, within the Time they are or ſhall be reſpectively named or elected for, or before other fit Perſons be reſpectively named or elected, and ſworn in their reſpective Rooms, it ſhall and may be lawful for the Freemen, Inhabitants within the Limits of the ſaid City, to aſſemble and meet together, at ſuch Time and Place as ſhall be appointed by the Mayor of the ſaid City for the Time being, and then and there, by Plurality of Votes, to elect one of the Freemen, an Inhabitant within the Limits of the ſaid City, to ſerve as Alderman, Aſſiſtant, Superviſor, Aſſeſſor, Collector or Conſtable, in the Room of ſuch Alderman, Aſſiſtant, Superviſor, Aſſeſſor, Collector or Conſtable, ſo dying or removing, and ſo often as ſuch Caſes ſhall happen; and in Caſe of the Death or Removal of the Treaſurer or Chamberlain, out of the Limits of the ſaid City, for the Common Council to appoint another in his Stead, at any Time after ſuch Death or Removal: And that all and every ſuch Perſon and Perſons ſo to be newly choſen or appointed and ſworn, ſhall ſerve in their reſpective Offices until other fit Perſons be reſpectively choſen or appointed, and ſworn in their reſpective Rooms.

Marſhal to become bound with Sureties, for faithful Diſcharge of his Duty.

IX. *And be it further Enacted by the Authority aforeſaid*, That the chief Marſhal ſo to be nominated and appointed, and every Marſhal to be thereafter nominated and appointed, ſhall, before he ſhall be deemed capable of executing his ſaid Office, become bound, with ſuch Sureties, in ſuch Manner and under ſuch Penalty for the faithful Diſcharge of the Duties of his Office, as the Sheriffs of other Cities and Counties are or ſhall be by Law directed and required to be bound for the faithful Execution of their Offices.

Treaſurer, Collector and Conſtables to give Security for faithful Diſcharge of their Truſts.

X. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer, Collectors and Conſtables to be hereafter choſen and appointed, ſhall, before they enter on the Execution of their reſpective Offices, reſpectively give ſuch Security for the faithful Diſcharge of the Truſts repoſed in them, as the Mayor, Recorder and Common Council of the ſaid City ſhall deem ſufficient.

Mayor, Recorder, Aldermen & Aſſiſtants, to be called, *The Common Council of* HUDSON, and empowered to make Bye-Laws.

XI. *And be it further Enacted by the Authority aforeſaid*, That the Mayor, Recorder, Aldermen and Aſſiſtants of the ſaid City for the Time being, (whereof the Mayor or Recorder always to be one) be, and ſhall be forever hereafter called, *The Common Council of the City of* HUDSON; who, or the major Part of them, ſhall have Power to make Bye-Laws relative to the public Markets within the ſaid City, ſo as ſuch Bye-Laws ſhall not extend to the regulating or aſcertaining the Price of any Commodity or Article of Proviſion, which may be brought for Sale within the ſaid City; relative to the Streets and High-Ways of the ſaid City; relative to Nuiſances within the Limits of the ſaid City; relative to the cleaning of Chimnies, and preventing the ſaid City from Fire; relative to the Manner of warning the Meetings of the ſaid City, and the Common Council thereof, and the Time and Place where they ſhall be holden; relative to a City Watch; relative to Bonds and Securities to be given by Conſtables, Collectors, Treaſurers, or any other Officer of the ſaid City, for the faithful Diſcharge of the Duties of ſuch Office or Offices; relative to the Burial of the Dead; relative to the public Lights or Lamps of the ſaid City; relative to the reſtraining Geeſe and Swine going at large within the Limits of the ſaid City; relative to the overſeeing of the Poor, and relative to any Thing whatſoever which may concern the good Government and Police of the ſaid City. *Provided*, That ſuch Bye-Laws be not contrary to, or inconſiſtent with the Conſtitution, Laws and Statutes of this State; and that the ſaid Common Council of the ſaid City

Bye-Laws not to be inconſiſtent with the Conſtitution, or Laws of the State.

for

A. D. 1785. Inde. *U. S.* IX.

for the Time being, or the major Part of them, as often as they ſhall make, ordain and publiſh ſuch Laws for the Purpoſes aforeſaid, may make, ordain, limit and provide ſuch and the like Pains, Puniſhments and Penalties, Fines and Amerciaments, upon, towards and againſt, all and every Perſon that ſhall offend againſt ſuch Laws, Statutes, Rights and Conſtitutions, or any or either of them, as by the ſaid Common Council, or the major Part of them, ſhall be thought requiſite to make, ordain, limit and provide for the Obſervation and Preſervation of the ſame Laws, Statutes, Rights and Conſtitutions, to be proſecuted and recovered in any Court of Record within the Juriſdiction of the ſaid City, having Cognizance of the ſame, by Action of Debt or otherwiſe, to the Uſe of the ſaid Mayor, Aldermen and Commonalty of the ſaid City of *Hudſon*, and their Succeſſors forever. *Provided alſo*, That no ſuch Bye-Laws ſhall continue in Force longer than for the Term of One Year.

To continue in Force for one Year.

XII. *And be it further Enacted by the Authority aforeſaid*, That the Common Council of the ſaid City, ſhall be ſummoned, called and held from Time to Time, ſo often and at ſuch Times and Places, as the Mayor or in Caſe of his Sickneſs or Abſence, the Recorder of the ſaid City for the Time being, ſhall think fit to appoint or direct; and that it ſhall and may be lawful to and for the ſaid Common Council of the ſaid City, or the major Part of them, to aſſeſs and lay ſuch reaſonable Fines and Amerciaments, in and upon every Officer and Member of the Body corporate aforeſaid, for the Time being, who after having had due Notice, or being duly ſummoned to appear or attend at any ſuch Common Council to be held for the ſaid City, ſhall neglect ſo to do, or make Default therein, or ſhall not appear or attend according to ſuch Notice or Summons in that Behalf, or ſhew a reaſonable Cauſe (by the ſaid Common Council, or a major Part of them, at their Diſcretion, to be allowed) and ſo as often as ſuch Caſe ſhall happen, ſo that no ſuch Fines or Amerciaments for any one Default of Appearance or Attendance of any ſuch Officer or Member aforeſaid, ſhall exceed the Sum of *Twenty Shillings*, in the Manner and Form aforeſaid, to be levied for the Uſe of the ſaid Mayor, Aldermen and Commonalty of the ſaid City, and their Succeſſors, to be recovered and received.

Common Council, how and when to be convened.

And may fine Officers and Members for Non-Attendance.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Common Council of the ſaid City of *Hudſon* for the Time being, or the major Part of them, have, and from Time to Time forever hereafter ſhall have, full Power, Licence and Authority to eſtabliſh, appoint, order and direct the making and laying out all other Streets, Lanes, Ways, Alleys, Highways, Water-Courſes and Bridges, not already made or laid out; but alſo the altering, amending and repairing all ſuch Streets, Lanes, Ways, Alleys, Highways, Water-Courſes and Bridges, heretofore made or laid out, or hereafter to be made or laid out, in and throughout the ſaid City, Limits and Precincts thereof, in ſuch Manner as the Common Council for the Time being, or the major Part of them, ſhall think or judge to be neceſſary and convenient for all Inhabitants and Travellers there. *Provided always*, That in all Caſes where the Property of Individuals is affected by the laying out, repairing or altering ſuch Streets, Ways, Lanes, Alleys, Highways, Water-Courſes and Bridges as aforeſaid, the ſaid Common Council ſhall and do proceed according to the Mode pointed out to the Commiſſioners of Highways for the County of *Albany*, in and by certain Acts of the Legiſlature, in ſuch Caſes made or to be made and provided.

Common Council to have Power to eſtabliſh and direct the making and laying out Streets, Ways, &c.

And the altering, amending and repairing the ſame.

How to proceed where the Property of Individuals is affected.

XIV. And *whereas* a punctual and well regulated Ferry acroſs the River at the ſaid City of *Hudſon*, is of the utmoſt Conſequence to the good People of this State at large; *Be it therefore Enacted by the Authority aforeſaid*, That the Common Council of the ſaid City for the Time being, or the major Part of them,

Common Council empowered to eſtabliſh Ferries acroſs *Hudſon's River*.

A. D. 1785. Inde. *U. S.* IX.

them, from Time to Time, and at all Times forever hereafter, ſhall and may have full Power and Authority to ſettle, appoint, eſtabliſh, order, direct and ſuperintend, and ſhall and may ſettle, appoint, eſtabliſh, order, direct, and ſuperintend, ſuch and ſo many Ferries from the ſaid City to the oppoſite or Weſtern Shore of the *Hudſon's-River*, for the carrying and tranſporting People, Horſes, Cattle, Goods and Chattels, acroſs the ſaid River, in ſuch Manner as the Common Council of the ſaid City for the Time being, or the major Part of them, ſhall conceive to be moſt conducive for the public Good. *Provided always*, That nothing in this Act contained ſhall extend, or be conſtrued to debar or deprive any of the Citizens of this State, of the Property or Poſſeſſion of the Soil on the Eaſtern or Weſtern Shore, of any Right which they now may or ought lawfully to enjoy, or hereafter may obtain, with Reſpect to the Privilege of Ferriage; nor ſhall this Act, or any Thing therein contained, extend to, or be deemed or conſtrued to debar or deprive any of the Citizens of this State, of any other Right or Privilege (as to Right of Soil or Ferriage) which any ſuch Citizen now has, or may lawfully have or enjoy; nor ſhall be deemed or conſtrued to debar or prevent *Coenraedt A. Flaak*, of, or from conveying or carrying acroſs the ſaid River, to and from either Side of the ſaid River, with a Ferry-Boat, any Perſon or Perſons, Horſes, Cattle, Goods or Chattels.

Corporation to eſtabliſh Markets.

XV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Mayor, Recorder, Aldermen and Commonalty of the ſaid City, and their Succeſſors, ſhall and may, from Time to Time, and at all Times forever hereafter, have, hold and keep a Market or Markets, at ſuch Place or Places within the Limits of the ſaid City, as the ſaid Common Council for the Time being, ſhall appoint and direct, on any or every Day of the Week (Sunday excepted); and that the ſaid Mayor for the Time being is, and forever hereafter ſhall be (*ex Officio*) Clerk of the ſaid Market or Markets of the ſaid City, and Water-Bailiff for the ſame; and that he ſhall have full Power and Authority to do and execute, and ſhall and may do and execute, forever hereafter, within the Liberties, Limits and Precincts of the ſaid City, all and whatſoever to the ſaid Offices of Clerk of the Market and Water-Bailiff, doth or may reſpectively appertain and belong: *And alſo*, That the Mayor of the ſaid City for the Time being, ſhall have full Power and Authority, by and with the Advice of the Common Council, to licence and appoint, by Warrant under his Hand and Seal, or otherwiſe, for the ſaid City, one or more Porter or Porters, Carriers, Cartmen, Carmen, Packers, Cullers, common Criers, Scavengers, Inſpectors of Lumber, and alſo one or more Surveyor or Surveyors, Meaſurer or Meaſurers, Gauger or Gaugers, Beadles, Garblers, Bellmen, Watchmen, Bridewell-Keepers, or Keepers of a Houſe or Houſes of Correction and Alms-Houſes, and to diſcharge the ſame at Pleaſure. *Provided*, That no Gauger to be appointed by this Act, ſhall have Authority to guage Liquors or Molaſſes for aſcertaining any Duty to be impoſed thereon by Act of Legiſlature, unleſs thereunto expreſsly authoriſed by Law.

Mayor to be Clerk of the Market and Water-Bailiff.

Inferior Officers how to be appointed.

Corporation empowered to erect Houſes of Correction;

XVI. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Mayor, Aldermen and Commonalty, forever hereafter, have full Power and Authority to erect and build one or more Bridewell or Bridewells, Houſe or Houſes of Correction, Work-Houſe or Work-Houſes, together with full Power and Authority to the ſaid Mayor, Recorder and Aldermen, or any one of them, to take up and arreſt, or order to be taken up or arreſted, all or any Rogues, Vagabonds, Stragglers, and idle and ſuſpicious Perſons; and as they the ſaid Mayor, Recorder and Aldermen, or any one of them, ſhall ſee Cauſe, to order any ſuch Rogues, Vagabonds, Stragglers, and idle and ſuſpicious Perſons, either to the ſaid Work-Houſe, there to remain and work any Time not exceeding Thirty Days, or elſe to the Houſe of

A. D. 1785. Inde. U. S. IX.

of Correction, there to receive such corporal Punishment as the said Mayor, Recorder and Aldermen, or any three of them, whereof the Mayor or Recorder to be one, shall think fit; such corporal Punishment not to exceed Thirty-nine Stripes for any one Offence. And that the said Mayor, Aldermen and Commonalty, and their Successors forever hereafter, may and shall have Power to erect and build an Alms-House for Relief of the Poor, with as full Power to order, direct and regulate the aforesaid Houses, and the Persons to be put in and ordered there, as to any City or Corporation in any other Part of this State, and to the Officers and Ministers thereof, doth or may belong.

And an Alms-House.

XVII. *And be it further Enacted by the Authority aforesaid*, That the said Mayor, Recorder, Aldermen and Commonalty, and their Successors forever hereafter, may have one or more public Gaol or Gaols; in such fit Place or Places within the said City and Limits, and Jurisdiction thereof, as by the Common Council of the said City, or the major Part of them, for the Time being, shall be appointed, to imprison and safely keep all and every Person and Persons, for any Treason or Treasons, Murders, Felonies, Trespasses, Evil-Doings, and all other Matters and Causes, to be arrested or attached, or to be committed to the Gaol or Gaols aforesaid, in safe Custody, there to remain until they be delivered by due Course of Law; and that the Common Council of the said City for the Time being, or the major Part of them, shall and may have Power, from Time to Time, to chuse, constitute and place, one or more fit Person or Persons in the Office or Offices of Keeper or Keepers of the Gaol or Gaols aforesaid, to hold the same during the Pleasure of the Common Council of the said City for the Time being, or the major Part of them: And it is hereby empowered and commanded the Keeper and Keepers of the Gaol and Gaols aforesaid for the Time being, that all and singular Traitors, Murderers, Felons, Malefactors, Disturbers of the Peace, and other Delinquents, and all others for any Crime and Offence, or other reasonable Causes or Matters, to the Gaol or Gaols aforesaid, ordered or committed, or to be ordered or committed, to receive, take, keep and cause to be kept in the same Gaol or Gaols, until they shall be thence delivered by due Course of Law.

And may have one or more Gaols to confine Prisoners;

And appoint a Keeper or Keepers thereof.

Who shall keep all Prisoners in safe Custody.

XVIII. *And be it Enacted by the Authority aforesaid*, That the Mayor, Recorder, Aldermen and Commonalty of the said City, and no other whatsoever, shall have Power to give and grant Licences annually, under the public Seal of the said City, to all such Persons as they shall think fit to licence to keep a Tavern, Inn, Ordinary, or Victualling-House, and to sell Wine, Brandy, Rum, Strong Waters, Cyder, Beer, Ale, or any other Sort of exciseable or strong Liquors, within the said City of *Hudson*, or the Liberties and Precincts thereof, by Retail or small Measure; and that it shall and may be lawful to and for the Mayor, Recorder, Aldermen and Commonalty of the said City, to ask, demand and receive, for every such Licence by them to be given and granted as aforesaid, such Sum or Sums of Money as they, and the Person to whom such Licence shall be given and granted shall agree for, not exceeding the Sum of *Sixteen Shillings* for each Licence; all which Monies, as by the said Mayor, Recorder, Aldermen and Commonalty shall be so received, shall be used and applied to the public Use of the said Mayor, Aldermen and Commonalty of the said City, and their Successors forever: And that every and each of which Licence shall continue and be in Force for One Year from the granting thereof, but no longer.

How Tavern-keepers to be licensed.

Licence to continue one Year.

XIX. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Freemen, Citizens and Inhabitants of the said City of *Hudson*, at their annual Meetings for Election of Officers, to vote any Sum or Sums of Money to be raised, which they may think proper and necessary

Inhabitants may vote to raise Money for a Burying-Ground, and erecting public Buildings.

A. D. 1785. Inde. *U. S.* IX.

neceſſary for the purchaſing any Lot or Lots of Ground within the Limits of the ſaid City, for the Purpoſe of burying the Dead, or for erecting a Court-Houſe and Gaol, Alms-Houſe, Work-Houſe or Houſe of Correction, or for the Purpoſe of the Support and Relief of the Poor within the Limits of the ſaid City.

Mayor, Recorder and Aldermen to hold a Court of Common Pleas.

XX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Mayor, Recorder and Aldermen of the ſaid City, or any three of them, whereof the Mayor or Recorder ſhall always be one, to hold, on the firſt Tueſday in every Month, one Court of Common Pleas of Record within the ſaid City, to be called the Mayor's Court, which ſhall and may hold Plea, and have Cognizance of, all and all Manner of Plaints, Suits, Cauſes, Treſpaſſes, Actions and Demands whatſoever, perſonal and mixed, ariſing or accruing within the ſaid City and the Juriſdiction thereof, with full Power and Authority to hear and determine, all and every ſuch Actions and Pleas, and Judgment and Execution thereon to render and award; and to proceed and act therein in ſuch Manner and Form, and by ſuch and the like Methods, Proceſs and Proceedings, as fully and amply as in other Courts of Common Pleas of Record, in and for the reſpective Counties in this State, in like Caſes can or may be acted, done, adjudged or determined, according to the Laws and Conſtitution of this State: And it ſhall be lawful for the ſaid Mayor's Court, in every ſuch Term reſpectively, to continue each Term to the Day ſucceeding, incluſively, or to adjourn the firſt Day of each Term to the next Term, as the Diſpatch of the Buſineſs to be depending before the ſaid Court, may, from Time to Time, render neceſſary or require.

Clerk of the City to be Clerk of the ſaid Court.

XXI. *And be it further Enacted by the Authority aforeſaid*, That the common Clerk of the ſaid City of *Hudſon* for the Time being, ſhall, and he is hereby forever declared to be the Clerk of the ſaid Court of Record, to do and perform all Manner of Acts and Things within the City aforeſaid, the Limits and Juriſdictions thereof, which to the Office of Clerk of the ſaid Court of Record, doth appertain and belong; and to receive, demand, have, collect, and enjoy all Fees, Perquiſites, and Profits which may to the Office of ſuch Clerk belong or appertain.

All ſubordinate Officers of the City to attend upon the Judges, and be obedient to them, according to the Duties of their Offices.

XXII. *And be it further Enacted by the Authority aforeſaid*, That the common Clerk, Chamberlain, Marſhal, Conſtables, Gaol-Keepers, and all other ſubordinate Officers of and in the ſaid City, who hereafter may be nominated, choſen, elected, conſtituted and appointed, and every of them reſpectively, jointly and ſeverally, as Cauſe ſhall require, ſhall be, and hereby are commanded to be obedient to, and attend upon the Judge and Judges of the Court of the ſaid City, and every or any of them, at all Times hereafter, according to the Duty or Obligation of their reſpective Offices and Places; and to execute all and every the Commands, Precepts, Warrants to them reſpectively directed and iſſued, and given out, and to be iſſued and given out by the ſaid Court, or any one of the Judges thereof; and that the ſaid Marſhal, Miniſters and Officers of the ſaid City for the Time being, ſhall and may, and they and each of them, is and are hereby authoriſed and commanded, to execute and return all and every the Proceſs and Precepts of the ſaid Court to them reſpectively directed, or to be directed, from Time to Time, and at all Times, as fully and effectually as any Marſhal, Miniſter or Officer of, or in any City or Place within this State, the Precepts or Proceſſes of any Court of Record therein hath uſed, or can or may execute and return in any Manner whatſoever.

Perſons reſiding in the City four Months, entitled to all the Privileges of free Citizens.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That all and every Freeman, Citizen, Inhabitant of the State of *New-York*, or any other of the United States of *America*, who ſhall become Inhabitants within the Limits

Limits and Jurisdiction of the said City of *Hudson*, and who shall have therein resided for the Space of four Months together, and shall continue therein to reside, and shall pay any Taxes, and not be disqualified by Law, shall be entitled to every Freedom, Right, Privilege and Immunity of the said City, and be considered, to all Intents and Purposes, a free Citizen thereof.

A. D. 1785. Inde. *U. S.* IX.

XXIV. *And be it Enacted by the Authority aforesaid*, That this Act be, and it is hereby declared to be a public Act, and that the same be, and shall forever hereafter be construed, in all Courts and Places, benignly and favourably, for every beneficial Purpose therein intended.

This Act to be considered as a public Act.

XXV. AND *whereas Thomas Jenkins, Seth Jenkins, David Lawrence, Hezekiah Dayton, Shubael Worth, Joseph Barnard, Ezra Reed, Charles Jenkins, Benjamin Folger, Reuben Folger, William Wall, Nathaniel Green, Samuel Mansfield, Cotton Gelston, John Thurston, William Minturn, Peleg Clark*, and *Titus Morgan*, have, by their humble Petition, represented to the Legislature, that they have at a considerable Expence, purchased the Tract of Land formerly called the *Claverack Landing*, for the Purpose of establishing a commercial Settlement; and that they have built thereon several Wharfs, and are about to build others, together with a Ship-Yard; and being apprehensive that the Land under the Water below High-Water Mark, might, at a future Day, become the Cause of Dissentions and Disputes, and from a Desire to preserve good Order and Harmony among the Citizens and Inhabitants of this State, they have prayed the Legislature for a Grant of the said Land from High-Water Mark, to the Channel of the said River, opposite the Land so purchased: *And whereas* the Prayer of the said Petition appears to be reasonable; *Be it therefore Enacted by the Authority aforesaid*, That the said *Thomas Jenkins, Seth Jenkins, David Lawrence, Hezekiah Dayton, Shubael Worth, Joseph Barnard, Ezra Reed, Charles Jenkins, Benjamin Folger, Reuben Folger, William Wall, Nathaniel Green, Samuel Mansfield, Cotton Gelston, John Thurston, William Minturn, Peleg Clark*, and *Titus Morgan*, and each and every of them, have, hold, use, occupy, possess and enjoy, all, and all Manner of Right, Title, Interest, Property, Claim and Demand whatsoever, of, in and to all the Land lying under the Water, and directly opposite to the Tract of Land so purchased by them as aforesaid, from High-Water Mark One Hundred and Eighty Feet to the Channel of the said River, in a Course North Fifty-seven Degrees West, to the sole Use, Benefit and Behoof of them the said *Thomas Jenkins, Seth Jenkins, David Lawrence, Hezekiah Dayton, Shubael Worth, Joseph Barnard, Ezra Reed, Charles Jenkins, Benjamin Folger, Reuben Folger, William Wall, Nathaniel Green, Samuel Mansfield, Cotton Gelston, John Thurston, William Minturn, Peleg Clark*, and *Titus Morgan*, and to their Heirs and Assigns forever, in severalty. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, or in any Manner to affect, impede or interrupt the free Navigation of the said River, or any public Right or Privilege heretofore held and enjoyed by the good People of this State, or the private Right or Privilege heretofore lawfully held and enjoyed by any Citizen or Citizens of this State.

Grant of Land under the Water, made to the Persons herein named:

But not to affect the Navigation of the River, or any public or private Right.

CHAP. LXXXIV.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of* New-York, *in Common Council convened, to order the raising Monies by Tax for the Maintenance of the Poor, and other contingent Expences arising in the said City.*

Obsolete.

Passed 22d April, 1785.

A. D. 1785.
Inde. U. S. IX.

Private.

CHAP. LXXXV.

An ACT *to veſt the Eſtate of* William R. Van Cortlandt, *in Truſtees, for Payment of his Debts, and other Purpoſes.*

Paſſed 23d April, 1785.

Privatt.

CHAP. LXXXVI.

An ACT *for the Relief of* Benjamin Coe.

Paſſed 23d April, 1785.

Obſolete.

CHAP. LXXXVII.

An ACT *for granting Relief to certain inſolvent Debtors.*

Paſſed 25th April, 1785.

Repealed, 11th Seſſ. Ch. 20. Sec. 5.

CHAP. LXXXVIII.

An ACT *making it Felony without Benefit of Clergy, to counterfeit or forge, or to paſs, knowing the ſame to be counterfeit, any of the public Certificates of the United States, or of this State, or any Species of Gold or Silver Money, now or hereafter to be current in this State.*

Paſſed 25th April, 1785.

Private.

CHAP. LXXXIX.

An ACT *to veſt the real Eſtate of* David Provooſt, *deceaſed, in Truſtees, for the Purpoſes therein mentioned.*

Paſſed 25th April, 1785.

Obſolete.

CHAP. XC.

An ACT *for the Payment of the Salaries of the ſeveral Officers of Government, and for other Purpoſes therein mentioned.*

Paſſed 27th April, 1785.

A. D. 1786.
Inde. U. S. X.

LAWS of the State of NEW-YORK,

Paſſed in the Ninth Seſſion of the Legiſlature, held at the City of New-York.

Obſolete.

CHAP. I.

An ACT *relative to Buildings in the City of* New-York.

Paſſed 31ſt January, 1786.

‡ 8th Seſſ. Ch. 50. Private.

CHAP. II.

A ſupplementary Act to the Act, entitled, ‡ *An* Act *veſting the real Eſtate of* Benjamin Moore, *Senior, late of the City of* New-York, *Sail-Maker, deceaſed, in Truſtees, for the Payment of his Debts, and for other Purpoſes therein mentioned.*

Paſſed 31ſt January, 1786.

CHAP.

CHAP. III.

A.D. 1786. Inde. U. S. X.

An ACT *to pardon* John Griffen, *of the Felony therein mentioned.* Passed 31st January, 1786.

Private.

CHAP. IV.

An ACT *further to continue the Treasurer of this State in Office.* Passed 4th February, 1786.

Obsolete.

CHAP. V.

An ACT *to revive and continue an Act, entitled,* ‡ *An* Act *to amend an Act, entitled, An* Act *to lay a Duty of Tonnage on Vessels for defraying the Expence of the Light-House at* Sandy-Hook, *and also the* ‖ *Act thereby amended.* Passed 4th February, 1786.

‡ *8th Sess. Ch.* 19.

‖ *7th Sess. Ch.* 1. *Obsolete.*

CHAP. VI.

An ACT *to naturalize* Dominick Lynch. Passed 4th February, 1786.

Private.

CHAP. VII.

An ACT *for regulating Trials upon Writs of Right.* Passed 6th February, 1786.

Preamble.

WHEREAS formerly Trials upon Writs of Right were by Battle or the Grand Assise. And whereas the barbarous Custom of Trials by Battle hath deservedly fallen into disuse, but hath never been abrogated by Law. And whereas by the Institution of the Trial by the Grand Assise, four Knights are to be summoned to elect the Recognitors: And whereas there is not, nor cannot, by Law, be any such Order of Men in this State;

Trials by Battle abolished.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That Trials by Battle in all Cases shall be, and hereby are forever abolished.

In all Writs for summoning Electors, the Words, *four good and lawful Men of your County,* to be inserted.

Qualifications of Electors.

II. *And be it further Enacted by the Authority aforesaid,* That in all Writs hereafter to be issued for summoning Electors of the Grand Assise, instead of the Words, *four lawful Knights of your County, girt with Swords,* the Words, *four good and lawful Men of your County,* shall be inserted. And that every of the said Men to be summoned and returned to make Election of the Grand Assise, shall always be such as are or shall be duly qualified to vote for Senators, according to the Constitution of this State.

Challenges to Electors to be made upon Appearance, and before they are sworn;

And if any Elector be found unqualified, a new Writ to be issued, and the Cause adjourned.

When four indifferent Electors appear,

III. *And be it further Enacted by the Authority aforesaid,* That if either Party shall have Cause to challenge the Electors so summoned and returned, or any of them, such Challenge shall be taken and made upon their Appearance, and before they be sworn to make Election of the Grand Assise, and not after; and the Justices shall thereupon proceed to try and determine such Challenges, in such Manner as Challenges, in Cases of common Juries, are, by Law, to be tried and determined. And if any such Electors shall be found not duly qualified, or not indifferent between the Parties, then a new Writ shall be issued for summoning another, or others, as the Case may require; and those who are not challenged, or found duly qualified and indifferent between the Parties, as well as the Parties, shall be adjourned over to the Day of the Return of such new Writ. And when such four Electors as shall not be

A.D. 1786. Inde. *U. S.* X.

they ſhall be ſworn to chuſe twenty Recognitors, in Addition to themſelves.

Qualifications of Recognitors.

If any Recognitor is challenged, the Electors to try the ſame;

And if found not qualified, his Name to be left out of the Pannel, and another choſen, and the Pannel to be returned in open Court.

be challenged, or ſhall be found duly qualified and indifferent, ſhall appear, they ſhall be ſeverally ſworn, lawfully and truly to chuſe, in the Preſence of the Parties, in Addition to themſelves, twenty other good and lawful Men of the County, who beſt know and will declare the Truth between the Parties, to make Recognition of the Grand Aſſiſe; and every of the Recognitors ſo to be choſen by the ſaid four Electors, ſhall always be ſuch Men as ſhall be duly qualified by the Laws of this State, to ſerve as Jurors upon Trials at Bar in the Supreme Court; and if either Party ſhall have Cauſe to challenge any of the ſaid Recognitors, ſuch Challenge ſhall be taken and made before the ſaid four Electors, who ſhall immediately try and determine the ſame. And if any Man named by the ſaid four Electors as a Recognitor, ſhall be challenged, and found not duly qualified, or not indifferent between the Parties, they ſhall leave his Name out of the Pannel, and chuſe another in his Stead; and when they have completed a Pannel of Twenty-four Recognitors of themſelves, and others as aforeſaid, they ſhall, in their proper Perſons, return and deliver the ſame to the Juſtices in open Court.

Writ to be iſſued to ſummon the Recognitors.

If the Cauſe is to be tried at the Circuit, a Niſi Prius Clauſe to be inſerted in the Writ.

Recognitors to be ſworn as they ſtand on the Pannel.

IV. *And be it further Enacted by the Authority aforeſaid,* That upon the Delivery of ſuch Pannel into Court, a Writ ſhall iſſue to the proper Officer, commanding him to Cauſe the ſaid Recognitors to come before the Juſtices, at a certain Day and Place, to make Recognition of the Grand Aſſiſe between the Parties: And if the Cauſe is to be tried at the Circuit Court in any of the Counties, a proper Clauſe of Niſi Prius ſhall be inſerted in ſuch Writ for the Purpoſe; and when a ſufficient Number of the ſaid Recognitors ſhall appear to make the ſaid Recognition, ſuch of them as do appear, ſhall be called and ſworn as they ſtand upon the ſaid Pannel, until ſixteen of them ſhall be ſworn, who ſhall make the ſaid Recognition.

In Caſe of Default of Recognitors, Diſtringas to iſſue.

V. *And be it further Enacted by the Authority aforeſaid,* That if a ſufficient Number of the ſaid Recognitors to make the ſaid Recognition, ſhall not appear at the Return of the firſt Proceſs for ſummoning them, Writs of Diſtringas ſhall be iſſued againſt them, from Time to Time, until they ſhall appear.

Trials on Writs of Right to be had where the Lands lie, or at Bar.

VI. *And be it further Enacted by the Authority aforeſaid,* That all Trials upon Writs of Right, ſhall be had in the County where the Tenements in Demand ſhall be ſituated, unleſs the Court upon Motion of either Party, ſhall order the Trial to be at the Bar of the Supreme Court.

CHAP. VIII.

Obſolete.

An ACT *for taking the Number of Inhabitants within this State.*

Paſſed 8th February, 1786.

CHAP. IX.

An ACT *for the better levying and accounting for Fines, Forfeitures, Iſſues, Amerciaments, and Debts due to the People of this State.*

Paſſed 9th February, 1786.

Junior Juſtice of the Supreme Court to hold a Court of Exchequer, for hearing and determining Cauſes concerning Fines, Forfeitures, and Debts due to the State.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Junior Juſtice of the Supreme Court of Judicature of this State, for the Time being, or in his Abſence one other of the Puiſne Juſtices of the ſame Court, ſhall and may, during every Term of the ſaid Supreme Court, or during ſuch Part thereof as may be neceſſary, in ſome convenient Place near where the ſaid Supreme Court ſhall then ſit, hold a Court for the hearing and determining of all Cauſes, Matters and Things concerning Fines, Forfeitures,

Iſſues,

A. D. 1786.
Inde. *U. S.* X.

Issues, Amerciaments, and Debts due to the People of this State, according to Law, and the Course of the Exchequer. And that it shall and may be lawful to and for such Justice, to cause due Process of Law to be issued for the levying of all Fines, Forfeitures, Issues and Amerciaments, which have been, or hereafter may be set, laid, imposed, assessed, lost, or adjudged in any Court of Record of this State; and to cause all Sheriffs, Coroners, and other Officers who have received, or hereafter shall or may receive any Monies for any such Fines, Forfeitures, Issues or Amerciaments, duly to account for the same; and to examine, audit and settle such Accounts; and to cause the Sums which shall appear or be found to be due thereon, to be duly paid; and to cause due Process of Law to be issued for recovering all Monies upon Recognizances forfeited, or to become forfeited to the People of this State; and to hear and determine all Questions and Matters concerning the same, and the Forfeiture thereof; and upon good Cause shewn, to remit any such Forfeiture, or Part thereof, and to discharge such Recognizance according to Equity and Justice. *And further*, That it shall and may be lawful to and for such Justice, in all Cases of Difficulty, to adjourn the Cause and Matter, and deliver the Record thereof into the Supreme Court, where the same shall be heard and determined; and then the said Record shall be sent back by the Clerk of the said Supreme Court, to the said Court so to be held before the Junior, or other Puisne Justice of the said Supreme Court, in order that Execution may be there done according to Law.

To cause Process to be issued for levying Fines, Forfeitures, Issues and Amerciaments.

To cause Officers who shall have received any Money for the same, to account for it, and to examine, audit and settle such Accounts.

To cause Process to be issued upon forfeited Recognizances, & hear and determine all Matters concerning the same, and to remit the Forfeiture, or any Part of it.

Cases of Difficulty to be adjourned into the Supreme Court.

II. *And be it further Enacted by the Authority aforesaid*, That the Justices of the Supreme Court for the Time being, from Time to Time, when and as often as may be necessary, by Rule or Order, to be entered in the Minutes of the same Supreme Court, shall nominate, and the Chief Justice of the same Supreme Court, under his Hand, and the Seal of the same Supreme Court, commission an experienced and proper Person to be Clerk of the Court so to be held, who shall be called the Clerk of the Exchequer in the Supreme Court, and shall hold his Office during the Pleasure of the Justices of the said Supreme Court; and such Clerk shall make and enter all such Minutes, Memorandums and Records, and make and issue all such Process, as such Justice who shall hold such Exchequer Court shall, from Time to Time, direct. And shall receive and be accountable for all Monies to be paid into the said Court; and shall yearly on the first Day of *January* Term, in every Year, make a just and true Account, upon his Oath, of all Monies paid into the said Exchequer Court, and of all Expences by him paid for Stationary, and other Necessaries for the said Office, and produce the same Account to such Justice as may then hold the same Exchequer Court, for his Allowance and Approbation thereof; and shall, within twenty Days thereafter, deliver a true Copy of such Account so approved, to the Treasurer of this State for the Time being, and pay to the same Treasurer, for the Use of this State, the Amount of such Account, after deducting thereout the Salary allowed to the said Clerk, and the Sums so allowed for Necessaries as aforesaid, upon Pain of forfeiting his Office for any Neglect of his Duty therein, besides being answerable for the Monies in his Hands.

Justices of the Supreme Court to appoint, and the Chief Justice to commission the Clerk of the Exchequer.

His Duty.

Penalty for Neglect.

III. *And be it further Enacted by the Authority aforesaid*, That the Justices of the Supreme Court for the Time being, shall devise and cause to be made, a Seal for the said Exchequer Court, upon which shall be engraved, the Words, NEW-YORK EXCHEQUER SEAL, and shall deliver a Description thereof in Writing to the Secretary of this State, to be deposited and recorded among the Records of this State, and shall deliver the said Seal to the Clerk of the said Exchequer Court, who shall pay for the same out of the Monies to be by him received as aforesaid. *And further*, That all Process of the said Exche-

A Seal for the Court of Exchequer.

A.D. 1786. Inde. U. S. X.

quer Court, ſhall be made in the Name of the People of the State of *New-York*, and be teſted in the Name of the junior Juſtice of the Supreme Court for the Time being, and ſigned by the Clerk of the ſaid Court of Exchequer, and ſealed with the ſaid Seal ſo to be made; and ſhall be returnable as follows; *That is to ſay*, "Before one of our Juſtices of our Supreme Court, in "our Court of Exchequer," on ſuch Day as the ſaid Court of Exchequer may then be appointed to be held, "whereſoever the ſame Court ſhall then be held."

The Proceſſes of this Court how made and teſted.

How returnable.

IV. *And be it further Enacted by the Authority aforeſaid*, That every ſuch Clerk ſo to be appointed, before he enters upon the Execution of his Office, ſhall take the Oaths required by Law, to be taken by miniſterial Officers; and ſhall be allowed and paid the yearly Salary of, *Two Hundred and Fifty Pounds*, for his Services; but ſhall not, upon any Pretence whatſoever, have, receive, accept or take, any Fees, Perquiſites or Reward whatſoever, for any of the Services by him to be performed in the Execution of his ſaid Office.

The Clerk to take Oaths to be taken by miniſterial Officers.

His Salary 250l. per Annum.

V. *And be it further Enacted by the Authority aforeſaid*, That no Juſtice of the ſaid Supreme Court, who may at any Time hold the ſaid Court of Exchequer, ſhall have, receive, accept or take, any Fees, Perquiſites or Reward whatſoever, for any Services by him to be performed by Virtue of this Act; his Salary and Fees, as Juſtice of the Supreme Court, being conſidered as a full Compenſation for the Services aforeſaid.

No Fee or Reward allowed the Juſtice for his Services.

VI. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Clerks of every Court of Record in this State, ſhall yearly, on the firſt Day of the Term of *July*, in every Year, make and deliver into the ſaid Court of Exchequer, a juſt and true Account and Eſtreat of all Fines, Forfeitures, Iſſues and Amerciaments, ſet, laid, impoſed, aſſeſſed, loſt or adjudged, and of all Recognizances forfeited before the firſt Day of *June*, immediately preceding the firſt Day of *July* Term, on which ſuch Account ſhall be rendered, in and by the reſpective Courts of which they are or ſhall be Clerks, together with the ſaid Recognizances; noting in every ſuch Account and Eſtreat, where any ſuch Fines, Forfeitures, Iſſues or Amerciaments have been paid, or Proceſs iſſued, or the Perſon committed for the ſame, to whom ſuch Payment or Commitment was made, and what Proceſs has been iſſued, and to what Officer; upon Pain, that every Clerk who ſhall neglect his Duty therein, ſhall not only forfeit his Office, but become and be anſwerable for all ſuch Fines, Forfeitures, Iſſues and Amerciaments, and the Amount of all ſuch Recognizances, as ſuch Clerk ſhall neglect to give an Account of, and eſtreat and deliver as aforeſaid.

Duty of Clerks of Courts of Record, as to Returns to be made by them of Fines, &c. into the Court of Exchequer.

Delinquent Clerks to forfeit their Offices, and be anſwerable for the Fines, &c.

VII. *And be it further Enacted by the Authority aforeſaid*, That all Sheriffs, Coroners and other Officers, who have, or hereafter ſhall or may receive, or be accountable for any ſuch Fines, Forfeitures, Iſſues or Amerciaments, ſhall yearly, on the firſt Day of the Term of ‡ *July*, in every Year, render a juſt and true Account thereof, on Oath, to the ſaid Court of Exchequer; and the ſame Account being examined, audited and ſettled by the Judge of the ſame Court, ſhall pay the Balance appearing or found due on ſuch Account, if any there be, in Favour of the People of this State, to the Clerk of the ſaid Court, and upon Payment thereof, the ſaid Court of Exchequer ſhall make and grant to ſuch Sheriff, Coroner, or other Officer, a Quietus or Diſcharge for the ſame, under the Seal of the ſaid Court of Exchequer. And if any ſuch Sheriff, Coroner or other Officer, ſhall not pay ſuch Balance ſo found due, within twenty Days after the auditing of his Account, Execution ſhall be iſſued againſt him for the ſame; and if any ſuch Sheriff, Coroner, or other Officer, ſhall refuſe or neglect to make or render ſuch Account, ſuch Officer ſo neglecting or refuſing, ſhall be liable to pay all ſuch

Sheriffs, Coroners and other Officers, to account on Oath, for the Fines, &c. received by them.

‡ *Or* April, *9th Seſſ. Ch.* 16. *Sec.* 3.

And pay the Balance.

In Default of Payment, Execution to be iſſued.

Penalty on Neglect or Refuſal to account.

A. D. 1786.
Inde. *U. S.* X.

ſuch Sums of Money as ſhall be, or ought to have been, or might have been, received by him, for any ſuch Fines, Forfeitures, Iſſues or Amerciaments, as well as all ſuch Fines, Forfeitures, Iſſues and Amerciaments, as ſhall have been ſet, laid, impoſed, aſſeſſed, loſt or adjudged, by or againſt, or upon ſuch Officer ſo neglecting or refuſing, in any Court of Record in this State; and Execution ſhall thereupon be iſſued againſt ſuch Officer for the ſame.

Suits in this Court to be proſecuted only by the Clerk of the Court, or by the Attorney-General.

Form of Execution.

VIII. *And be it further Enacted by the Authority aforeſaid*, That all Suits in the ſaid Court of Exchequer, ſhall be followed and proſecuted by the Clerk of the ſaid Court, or the Attorney-General of this State, and by no other Perſon. And that all Executions to be iſſued by the ſaid Court, ſhall be againſt the Body, Lands and Goods of the Debtor or Defendant, commanding the Officer to whom the ſaid Executions ſhall be directed, to cauſe to be made of the Goods and Chattels of ſuch Debtor or Defendant, in his Bailiwick, or County, the Debt or Sum of Money in the ſaid Execution ſpecified; and if ſufficient Goods and Chattels of ſuch Debtor or Defendant to ſatisfy ſuch Debt, ſhall not be found in the Bailiwick or County of the Officer, to whom ſuch Execution ſhall be directed, that then he diligently enquire, by the Oath of good and lawful Men of his Bailiwick or County, what Lands and Tenements the ſame Debtor or Defendant hath, or was ſeiſed of in his ſaid Bailiwick or County, on the Day ſuch Debt accrued, or ſuch Monies became due, which ſhall be particularly ſpecified in ſuch Writ of Execution; and that of all and ſingular thoſe Lands and Tenements, in whoſe Hands ſoever they may then be, he cauſe to be made the ſaid Debt ſpecified in ſuch Execution; and that he take the Body of the ſaid Debtor or Defendant, and him in Priſon ſafely keep, until he ſhall fully ſatisfy the People of this State of the ſaid Debt. But where ſufficient Goods and Chattels of ſuch Debtor or Defendant ſhall be found to ſatisfy ſuch Debt, his Land ſhall not be ſold, nor his Body taken in Execution for the ſame Debt. And when any ſuch Execution ſhall be iſſued againſt any Sheriff, Coroner, or other Officer, while in Office, or againſt any Heir, Executor, or Adminiſtrator, ſuch Execution ſhall not be againſt their Bodies; but only againſt the Lands, Goods and Chattels of ſuch Sheriff, Coroner, or other Officer, or the Lands, Goods and Chattels of the Anceſtor, Teſtator, or Inteſtate, of ſuch Heir, Executor, or Adminiſtrator.

The Clerk, previous to his Entrance on Office, to give a Bond, with two Sureties, in the Sum of 2000l. for the faithful Performance of his Duty.

IX. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Clerk of the Court of Exchequer ſhall, before he enter upon the Diſcharge of any of the Duties directed to be performed by him in and by this Act, give a Bond with two Sureties, to be approved of by one of the Judges of the Supreme Court, to the People of this State, in the Sum of, *Two Thouſand Pounds*, conditioned for the true and faithful Performance of the Duties of his ſaid Office, and ſhall file ſuch Bond in the Office of the Clerk of the Supreme Court.

CHAP. X.

An ACT *to enable the Adminiſtrator, with the Will annexed, of* Anne Avory, *Widow, deceaſed, to carry the ſaid Will into Effect.*

Private.

Paſſed 20th February, 1786.

CHAP. XI.

An ACT *to raiſe a Fund for defraying the Damages done by Dogs, in the County of* Richmond.

Paſſed 20th February, 1786.

Preamble.

WHEREAS many of the Inhabitants within the County of *Richmond*, in the State of *New-York*, have ſuſtained great Loſſes, occaſioned by Dogs killing their Sheep, without being able to obtain Redreſs:

I. *Be*

A. D. 1786. Indc. U. S. X.

Collector of each Precinct to demand & receive *Two Shillings* per Annum for each Dog, from Perſons who keep only one; *Six Shillings* for the ſecond, and *Twelve Shillings* for the third.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful for the Collector, in each reſpective Precinct and Manor within the ſaid County, once in every Year, after the firſt Day of *May* next, during the Continuance of this Act, to demand and receive of and from all Perſons having the Property in, or keeping any Dog or Dogs, of what Kind ſoever, of three Months old and upwards, the Sum of *Two Shillings* for any Dog kept by any one Perſon or Family, the Sum of *Six Shillings* for the ſecond Dog, and the Sum of *Twelve Shillings* for every Dog above the Number of two, to be kept as aforeſaid.

Collector to proſecute Perſons who refuſe to pay the ſame.

II. *And be it Enacted by the Authority aforeſaid,* That if any Perſon or Perſons having Property in, or keeping any Dog or Dogs, of what Kind ſoever, as aforeſaid, ſhall neglect or refuſe to pay unto the Collector of their reſpective Precincts or Manor, the Sum or Sums as aforeſaid, twenty Days after the ſame is demanded, it ſhall and may be lawful, and it is hereby made the Duty of the Collector of each reſpective Precinct or Manor, to commence and proſecute his or their Action or Actions, againſt any Delinquent or Delinquents, for the Recovery of the ſame, with Coſts of Suit, before any Juſtice of the Peace for the ſaid County. And if any Perſon or Perſons ſhall deny, that he, ſhe, or they, have Property in, or keep any Dog or Dogs, yet if it can be proved that ſuch Perſon or Perſons are in Poſſeſſion of, or ſuffer the ſame to remain about his or her Houſe, twenty Days before the Demand made by the Collector, he, ſhe, or they, ſhall be deemed to be Owner or Owners of ſuch Dog or Dogs, and liable to the Payment of the aforeſaid Tax, to be recovered as above. And if any Dog or Dogs ſhall continue or keep about any Perſon's Houſe, twenty Days, and no Perſon appearing within that Time to claim ſuch Dog or Dogs, it ſhall and may be lawful for ſuch Perſon having ſuch Dog or Dogs about his Houſe as aforeſaid, to kill the ſame at any Time after the ſaid twenty Days.

Perſons keeping Dogs about their Houſes for 20 Days, although not their own, to pay the Tax.

Perſons having loſt their Sheep by Dogs, to call in Fence-Viewers to aſcertain the Damage, and to certify the ſame to the Superviſors, who ſhall pay the ſame.

III. *And be it further Enacted by the Authority aforeſaid,* That when any Perſon or Perſons within the ſaid County, ſhall have ſuſtained Damages by Dogs of any Kind as aforeſaid, it ſhall and may be lawful for him, her or them, to call in the Perſons who are or ſhall be appointed Fence-Viewers in each reſpective Precinct of the ſaid County for the Time being, who reſide next adjacent to the Perſon or Perſons where the Damage ſhall happen, who are hereby empowered to view the Sheep ſo killed or hurt: And if it ſhall appear to their Satisfaction, that they were killed by Dogs only, then the ſaid Fence-Viewers ſhall certify the ſame, with the true and real Value of the Sheep, or Damage ſuſtained, and the Number killed or hurt under their Hands, which Certificate ſhall be a ſufficient Voucher to the Superviſors, for paying the Value of the Sheep or Damage therein expreſſed.

Dogs killing Sheep, Owners refuſing to pay Damages, and to kill their Dogs, to be proſecuted for the Damages before a Juſtice of the Peace.

IV. *And be it further Enacted by the Authority aforeſaid,* That whenever Sheep within the ſaid County, ſhall hereafter be killed or hurt by any Dog or Dogs, and it can be proved whoſe Dog or Dogs it was that did the Damage, if the Owner or Owners of ſuch Dog or Dogs ſhall neglect or refuſe to kill the ſame, and make Satisfaction to the Perſon or Perſons injured, after Demand made, it ſhall and may be lawful for the Perſon or Perſons ſo injured, to get the Value of the Sheep, or the Damages certified by the aforeſaid Fence-Viewers, and commence his, her or their Action or Actions, againſt the Owner or Owners of ſuch Dog or Dogs, before any Juſtice of the Peace of the ſaid County, and recover the ſame, with Coſts of Suit.

Dogs found worrying Sheep, may be immediately killed.

V. *And be it further Enacted by the Authority aforeſaid,* That if any Perſon or Perſons ſhall find any Dog or Dogs worrying or killing any Sheep, it ſhall and

A. D. 1786.
Inde. *U. S.* X.

and may be lawful for them immediately to kill such Dog or Dogs; and if it shall be proved that such Dog or Dogs had before killed Sheep, and the same came to the Knowledge of the Owner or Possessor thereof, then, and in such Case, it shall and may be lawful for the Person or Persons injured, to get the Value of the Sheep or Damages certified, as above, and to commence his, her or their Action for the Recovery thereof as aforesaid.

Collectors to keep in a Book, the Names of Persons keeping Dogs, and the Sums collected, and pay the Monies to the County Treasurer.

VI. *And be it further Enacted by the Authority aforesaid*, That the Collector or Collectors of each respective Precinct within the said County, shall keep a Book, and therein enter the Names of every Person in his or their respective Precincts or Manors, keeping Dogs, and the Number thereof, with the Tax or Sums collected by Virtue of this Act, and shall pay the same into the Hands of the County Treasurer, to be disposed of by the Supervisors, for the Purposes above mentioned.

Collector to retain *One Shilling* in the Pound, for collecting Tax.

VII. *And be it further Enacted by the Authority aforesaid*, That the Collector or Collectors of each respective Precinct or Manor within the said County, shall retain and keep in his and their Hands, *One Shilling* in the Pound, for all Sums by him or them collected and paid in Pursuance of this Act.

Collector neglecting his Duty, to pay *Five Pounds*.

VIII. *And be it further Enacted by the Authority aforesaid*, That if either of the Collectors of any of the Precincts or Manor within the said County, shall refuse or neglect to collect the Taxes aforesaid, and do what is enjoined upon them by this Act, he or they so offending, shall forfeit and pay the Sum of *Five Pounds*, to be recovered by Action of Debt, before any Justice of the Peace of the said County, with Costs of Suit, by any Person or Persons who will prosecute the same to Effect, the one Half to the Prosecutor, and the other Half to be applied to the Uses aforesaid.

CHAP. XII.

An ACT *to abolish Entails, to confirm Conveyances by Tenants in Tail, to regulate Descents, and to direct the Mode of Conveyances to Joint-Tenants.*
Passed 23d February, 1786.

Estates Tail abolished.

Persons seised in Fee Tail, deemed seised in Fee Simple.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all Estates Tail shall be, and are hereby abolished; and that in all Cases where any Person or Persons now is, or are, or if the Act herein after mentioned and repealed had not been passed, would now be seised in Fee Tail, of any Lands, Tenements or Hereditaments, such Person and Persons shall be deemed to be seised of the same in Fee Simple absolute. *And further*, That in all Cases where any Person or Persons would, if the said Act and this present Act had not been passed, at any Time hereafter, become seised in Fee Tail, of any Lands, Tenements or Hereditaments, by Virtue of any Devise, Gift, Grant, or other Conveyance heretofore made, or hereafter to be made, or by any other Means whatsoever, such Person and Persons, instead of becoming seised thereof in Fee Tail, shall be deemed and adjudged to become seised thereof in Fee Simple absolute.

Grants and Conveyances by Tenants in Tail, deemed effectual.

II. *And be it further Enacted by the Authority aforesaid*, That where any Lands, Tenements or Hereditaments heretofore have been devised, granted, or otherwise conveyed by a Tenant in Tail, and the Person or Persons to whom such Devise, Grant, or other Conveyance hath been made, his, her, or their Heirs or Assigns, have or hath, from the Time such Devise took Effect, or from the Time such Grant or other Conveyance was made, to the Day of the passing of this Act, been in the uninterrupted Possession of such Lands,

A. D. 1786. Inde. *U. S.* X.

Tenements or Hereditaments, and claiming and holding the ſame under or by Virtue of ſuch Deviſe, Grant, or other Conveyance, then ſuch Deviſe, Grant, or other Conveyance, ſhall be deemed as good, legal and effectual, to all Intents and Purpoſes, as if ſuch Tenant in Tail had, at the Time of the making of ſuch Deviſe, Grant or other Conveyance, been ſeiſed of ſuch Lands, Tenements or Hereditaments in Fee Simple; any Law to the Contrary hereof notwithſtanding.

How Inheritances ſhall deſcend in certain Caſes,

III. *And be it further Enacted by the Authority aforeſaid*, That where any Perſon ſhall die ſeiſed of any Lands, Tenements or Hereditaments, without deviſing the ſame in due Form of Law, and leaving more than one Perſon lawful Iſſue, or without lawful Iſſue, the Inheritance ſhall hereafter, in the five ſeveral following Caſes, deſcend and go, as in each Caſe is particularly ſpecified; *That is to ſay*,

To lawful Iſſue of equal Degree, as Tenants in Common.

FIRST. In Caſe the Perſon ſo ſeiſed ſhall leave ſeveral Perſons lawful Iſſue, in the direct Line of lineal Deſcent, and all of equal Degree of Conſanguinity to the Perſon ſo ſeiſed, the Inheritance ſhall then deſcend to the ſaid ſeveral Perſons as Tenants in Common, in equal Parts, however remote from the Perſon ſo ſeiſed the common Degree of Conſanguinity may be, in the ſame Manner as if they were all Daughters of the Perſon ſo ſeiſed.

In Caſe there be lawful Iſſue of different Degrees, the Iſſue of thoſe deceaſed to take their Parent's Share.

SECONDLY. In Caſe the ſaid Perſon ſo ſeiſed ſhall die, leaving lawful Iſſue of different Degrees of Conſanguinity to him or her, the ſaid Perſon ſo ſeiſed, the Inheritance ſhall deſcend to the lawful Child or Children of the ſaid Perſon ſo ſeiſed, if any or either of them be then living, and to the lawful Iſſue of ſuch of the Children of the ſaid Perſon ſo ſeiſed, as ſhall be then dead, leaving lawful Iſſue as Tenants in Common; ſuch Iſſue always to inherit, if one Perſon ſolely, and if ſeveral Perſons as Tenants in Common, in equal Parts, ſuch Share only as would have deſcended to his, her or their Parent, if ſuch Parent had been then living; and each of the lawful Children of the ſaid Perſon ſo ſeiſed, always to inherit ſuch Share as would have deſcended to him or her, if all the Children of the ſaid Perſon ſo ſeiſed, who ſhall be then dead, leaving lawful Iſſue, had been living at the Time of the Death of the ſaid Perſon ſo ſeiſed; and if there be no Child of the ſaid Perſon ſo ſeiſed living, at the Time of the Death of the ſaid Perſon ſo ſeiſed, and only a Grand Child, or Grand Children, and the lawful Iſſue of a Grand Child or Grand Children, who ſhall be then dead, leaving lawful Iſſue, then the Inheritance ſhall deſcend to ſuch Grand Child or Grand Children of the Perſon ſo ſeiſed, and to the lawful Iſſue of ſuch of the Grand Children of the ſaid Perſon ſo ſeiſed, as ſhall be then dead, leaving lawful Iſſue as Tenants in Common; ſuch Iſſue always to inherit, if one Perſon ſolely, and if ſeveral Perſons as Tenants in Common, in equal Parts, ſuch Share only as would have deſcended to his, her or their Parent, if ſuch Parent had been then living; and each of the Grand Children of the ſaid Perſon ſo ſeiſed, who ſhall be living at the Time of the Death of the Perſon ſo ſeiſed, always to inherit ſuch Share as would have deſcended to him or her, if all the Grand Children of the ſaid Perſon ſo ſeiſed, who ſhall be then dead, leaving lawful Iſſue, had been living at the Time of the Death of the ſaid Perſon ſo ſeiſed. And the ſame Law of Inheritance and Deſcent, ſhall be obſerved in Caſe of the Death of the Grand Children, and other Deſcendants to the remoteſt Degree.

Inheritance of Perſons dying without Iſſue, to go to the Father, if living, unleſs it came from the Mother.

THIRDLY. In Caſe the ſaid Perſon ſo ſeiſed ſhall die without lawful Iſſue, leaving a Father, then the Inheritance ſhall go to the Father of the ſaid Perſon ſo ſeiſed, in Fee Simple; unleſs the ſaid Inheritance came to the Perſon ſo ſeiſed, from the Part of his or her Mother, in which Caſe it ſhall deſcend, as if ſuch Perſon ſo ſeiſed had ſurvived his or her Father.

FOURTHLY.

A. D. 1786.
Inde. *U. S.* X.

FOURTHLY. In Caſe the ſaid Perſon ſo ſeiſed ſhall, after the Death of his or her Father, die without lawful Iſſue, leaving a Brother or Siſter, or leaving a Brother or Brothers, and a Siſter or Siſters, the Inheritance ſhall deſcend to ſuch Brothers or Siſters, or to ſuch Brother or Brothers, and Siſter or Siſters, as the Caſe may be, as Tenants in Common in equal Parts; and in ſuch Caſe every Brother and Siſter of the half Blood of the ſaid Perſon ſo ſeiſed, ſhall inherit equally with thoſe of the whole Blood; unleſs where ſuch Inheritance came to the ſaid Perſon ſo ſeiſed by Deſcent, Deviſe or Gift, of ſome one of his or her Anceſtors, in which Caſe all thoſe who are not of the Blood of ſuch Anceſtor, ſhall be excluded from ſuch Inheritance. And,

In Caſe the Father is dead, then to the Brothers and Siſters, as Tenants in Common.

And thoſe of the half Blood to inherit equally with thoſe of the whole Blood, unleſs the Inheritance came from an Anceſtor.

FIFTHLY. In Caſe any ſuch Brother or Siſter who would have inherited by this Law, if living, ſhall die before the ſaid Perſon ſo ſeiſed, and leave a lawful Child or Children, ſuch Child or Children ſurviving the ſaid Perſon ſo ſeized, ſhall inherit, if a Child ſolely, and if Children, as Tenants in Common in equal Parts, ſuch Share as would have deſcended to his, her or their Father or Mother, if ſuch Father or Mother had ſurvived the ſaid Perſon ſo ſeiſed. And in all Caſes of Deſcent, not particularly provided for by this Act, the Common Law ſhall govern.

Children of Brothers and Siſters to inherit the Share of their Parents.

In all other Caſes, the Common Law to govern.

IV. *Provided always, and be it further Enacted by the Authority aforeſaid,* That nothing herein contained ſhall be conſtrued to bar or injure the Right or Eſtate of a Huſband, as Tenant by the Courteſy, or a Widow's Right of Dower.

Not to affect Eſtates by Courteſy, or Right of Dower.

V. *And be it further Enacted by the Authority aforeſaid,* That all poſthumus Children ſhall, in all Caſes whatſoever, inherit in like Manner as if they were born in the Life-Time of their reſpective Fathers.

Poſthumus Children to inherit.

VI. *And be it further Enacted by the Authority aforeſaid,* That no Eſtate in Joint-Tenancy in Lands, Tenements or Hereditaments, ſhall be held or claimed by or under any Grant, Deviſe or Conveyance whatſoever, hereafter to be made, other than to Executors or Truſtees, unleſs the Premiſes therein mentioned ſhall expreſsly be thereby declared to paſs, not in Tenancy in Common, but in Joint-Tenancy, and every ſuch Eſtate, other than to Executors or Truſtees, unleſs otherwiſe expreſsly declared as aforeſaid, ſhall be deemed to be in Tenancy in Common; any Law, Cuſtom or Uſage to the Contrary notwithſtanding.

No Eſtates to be held in Joint-Tenancy, unleſs expreſsly ſo declared, except by Executors or Truſtees.

VII. *And be it further Enacted by the Authority aforeſaid,* That the Act, entitled, ‡ *An* Act *to aboliſh Entails, to confirm Conveyances by Tenants in Tail, to diſtribute Eſtates real of Inteſtates, to remedy defective Conveyances to joint Tenants, and directing the Mode of ſuch Conveyances in future,* paſſed the twelfth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Eighty-two, ſhall be, and hereby is repealed; but all Deſcents and Conveyances which have happened or been made ſince the paſſing of the ſaid Act, hereby repealed, ſhall take Effect according to the ſaid Act. *Provided always*, That notwithſtanding any Thing in the ſaid Act contained, every Grant, Conveyance or Deviſe heretofore made, or hereafter to be made to Executors or Truſtees, ſhall be deemed to be in Joint-Tenancy, and not in Tenancy in Common.

‡ *6th Seſſ. Ch. 2.*

Former Act repealed; but all Deſcents and Conveyances during the Continuance of that Act, to take Effect according to the ſaid Act.

Conveyances to Executors and Truſtees, deemed to be in Joint-Tenancy.

CHAP. XIII.

An ACT *for tranſcribing certain Records of Patents.*

Paſſed 23d February, 1786.

Preamble.

WHEREAS certain of the Records of Patents in the Office of the Secretary of the State, are, by various Accidents, ſo injured, that a frequent Recourſe to them may render them illegible; to prevent which,

I. *Be*

A.D. 1786. Inde. U. S. X.

Certain Records of Patents to be tranſcribed,

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Secretary of the State for the Time being, ſhall tranſcribe, or cauſe to be tranſcribed, in his Office, ſuch of the ſaid Records of Patents, as the ſaid Secretary, *James Duane*, *Iſaac Rooſevelt*, *Samuel Jones* and *Richard Varick*, Eſquires, or a Majority of them, ſhall deem neceſſary. And that ſuch Tranſcripts being compared with their Originals, ſhall be certified by the ſaid Secretary to be true Copies of the Originals aforeſaid.

And Books of Records to be re-bound.

II. *And be it further Enacted by the Authority aforeſaid,* That the Secretary, together with the Perſons herein before named, or a Majority of them, ſhall cauſe to be re-bound, ſuch of the Books of Records in the Office of the ſaid Secretary, as to them ſhall appear to be neceſſary, and ſhall employ one or more Perſon or Perſons for that Purpoſe; and that the tranſcribing of the ſaid Records, as well as the Binding to be done in Purſuance of this Act, ſhall be performed in the Office of the Secretary of the State, and in the Preſence of the ſaid Secretary, or of his own ſworn Deputy.

The Secretary's Allowance.

III. *And be it further Enacted by the Authority aforeſaid,* That the Secretary of the State ſhall be allowed for copying the ſaid Records, at and after the Rate of *One Shilling* and *Six-pence*, for every One Hundred and Twenty-eight Words.

His audited Accounts to be paid by the Treaſurer.

IV. *And be it further Enacted by the Authority aforeſaid,* That the Treaſurer of the State ſhall, and he is hereby authoriſed and directed to pay to the ſaid Secretary, ſuch Sum or Sums of Money as ſhall, from Time to Time, appear by Accounts duly audited by the Auditor of this State, to be due to him for his Services and Expenditures in Purſuance of this Act.

Secretary to report to the Legiſlature.

V. *And be it further Enacted by the Authority aforeſaid,* That the Secretary of the State ſhall, and he is hereby directed to report to the Legiſlature, his Progreſs in the Execution of the Duties by this Act required, in order that further Proviſion may be made for perpetuating the Evidence ariſing from the ſaid Records.

CHAP. XIV.

An ACT *to regulate the future Meetings of the Legiſlature.*

Paſſed 13th March, 1786.

Legiſlature to meet firſt *Tueſday* in *January* every Year, unleſs ſooner convened by Proclamation.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That in Caſe the Perſon adminiſtring the Government for the Time being, ſhall not, on or after the firſt Monday of *July*, and before the firſt Tueſday in *January*, in any Year, convene the Legiſlature by Proclamation, then the Legiſlature ſhall meet on the ſaid firſt Tueſday in *January*, without any Summons or Notification whatſoever, at ſuch Place as the Senate and Aſſembly, at their Meeting next preceding the ſaid firſt Tueſday in *January*, ſhall have adjourned to; and in Caſe there ſhall have been no ſuch Adjournment, or the Senate and Aſſembly ſhall not have adjourned to a Place certain, then they ſhall convene on the ſaid firſt Tueſday in *January*, at the Place at which the laſt preceding Meeting of the Legiſlature was held.

CHAP. XV.

Repealed, 11th Seſſ. Ch. 73. Sec. 4.

An ACT *to divide* Charlotte *and* Rhynbeck *Precincts, into three Precincts.*

Paſſed 13th March, 1786.

CHAP.

CHAP. XVI.

A. D. 1786.
Indc. *U. S.* X.

An ACT *to appoint the Place of holding the Supreme Court of Judicature of this State, in* April *Term,* 1786.

Paſſed 21ſt March, 1786.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Supreme Court of Judicature of this State, to be held on the third Tueſday of *April*, One Thouſand Seven Hundred and Eighty-ſix, ſhall be held at the City-Hall of the City of *New-York*; any Thing in the Act, entitled, † *An* Act *to appoint the Place of holding the Supreme Court of Judicature of this State in future, and to prolong the Terms thereof, and for other Purpoſes therein mentioned*, to the Contrary thereof notwithſtanding.

Supreme Court to be held on the third Tueſday in *April*, 1786, at the City-Hall in *New-York*.

† 8*th Seſſ. Ch.* 61.

II. *And be it further Enacted by the Authority aforeſaid*, That all Proceſs iſſued out of the ſaid Supreme Court, ſince *January* Term laſt, ſhall be deemed to be returnable at the City of *New-York*, notwithſtanding the ſame may have been made returnable at the City of *Albany*.

Proceſs returnable at the City of *New-York*.

III. *And be it further Enacted by the Authority aforeſaid*, That every Sheriff, Coroner and other Officer, who by the Act, entitled, ‡ *An* Act *for the better levying and accounting for Fines, Forfeitures, Iſſues, Amerciaments and Debts due to the People of this State*, was to account for Fines, Iſſues or Amerciaments by him received or to be received, yearly, on the firſt Day of the Term of *July* in every Year, to the Court of Exchequer, may account to the ſaid Court of Exchequer, on the firſt Day of the Term of *April*, yearly, in every Year, or on the ſaid firſt Day of the Term of *July*, at his Option; any Thing in the aforeſaid Act to the Contrary notwithſtanding.

‡ 9*th Seſſ. Ch.* 9. Officers may account to the Exchequer for Fines, &c. on the firſt Day of the Terms of *April* or *July*, at their Option.

CHAP. XVII.

An ACT *enabling* James Barclay *to become an Auctioneer or Vendue-Maſter.*

Private.

Paſſed 21ſt March, 1786.

CHAP. XVIII.

An ACT *for dividing the County of* Waſhington *into Townſhips.*

Repealed, 11th Seſſ. Ch. 73. *Sec.* 4.

Paſſed 23d March, 1786.

CHAP. XIX.

An ACT *for making public Securities payable to the Bearer.*

Paſſed 28th March, 1786.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Notes, Certificates or Securities, given or iſſued in Purſuance of any Law of this State, and which are not negotiable, ſhall be, and hereby are declared to be negotiable after the paſſing of this Act; and that the Monies due, or to become due on any ſuch Notes, Certificates or Securities, and on any Notes, Certificates or Securities originally iſſued and made aſſignable in Purſuance of any Law of this State, ſhall hereafter be payable to the Bearer thereof; any Thing contained in ſuch Notes, Certificates or Securities, or any Law to the Contrary in any wiſe notwithſtanding.

Public Securities made payable to the Bearer.

A. D. 1786.
Inde. U. S. X.

‡ 5th Seſſ. Ch. 21. Continued, 11th Seſſ. Ch. 39.

CHAP. XX.

An ACT *further to continue and amend an Act, entitled,* ‡ *An* Act *for the Appointment of an Auditor, and the Settlement of the public Accounts of this State.*

Paſſed 28th March, 1786.

Act for Appointment of Auditor continued.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, *An* Act *for the Appointment of an Auditor, and the Settlement of the public Accounts of this State,* ſhall be, and hereby is continued in full Force and Virtue, to all Intents and Purpoſes, until the 23d Day of *March,* which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-eight.

His Salary, 350l. payable quarterly.

II. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Auditor ſhall be allowed for his Services in that Station, from the Twenty-third Day of *March,* in this preſent Year, One Thouſand Seven Hundred and Eighty-ſix, at and after the Rate of, *Three Hundred and Fifty Pounds* per Annum, during the Continuance of this Act, to be paid in four equal quarterly Payments.

Repealed as to New-York, 10th *Seſſ. Ch.* 86. *Sec.* 6. *Obſolete.*

CHAP. XXI.

An ACT *for the more effectual Collection of the Arrears of Taxes.*

Paſſed 31ſt March, 1786.

Obſolete.

CHAP. XXII.

An ACT *for the Relief of inſolvent Debtors, with Reſpect to the Impriſonment of their Perſons.*

Paſſed 31ſt March, 1786.

Amended, 10th *Seſſ. Ch.* 76. *The Auditor directed to execute this Act,* 10th *Seſſ. Ch.* 99. *Sec.* 11.

CHAP. XXIII.

An ACT *for the Collection and Commutation of Quit-Rents.*

Paſſed 1ſt April, 1786.

BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That in all Caſes where any Perſon or Perſons, being Citizens of this State, or of any of the United States, is or are, or ſhall be ſeiſed of any Lands or Tenements in this State, charged with the Payment of Quit-Rent, it ſhall and may be lawful to and for ſuch Perſon and Perſons, at any Time on or before the firſt Day of *January* next, to pay to the Treaſurer of this State for the Time being, for the Uſe of the People of the State, all the Arrears of ſuch Quit-Rent then due, in any ‡ public Securities receivable in Payment on Sales of confiſcated Eſtates, or in any other Securities or Certificates iſſued or to be iſſued by the Treaſurer of this State, and at the ſame Rate ſuch Securities and Certificates are receivable in Payment for confiſcated Eſtates; but no Quit-Rent which accrued between the Twenty-ninth Day of *September,* One Thouſand Seven Hundred and Seventy-five, and the Twenty-ninth Day of *September,* One Thouſand Seven Hundred and Eighty-three, ſhall be demanded or exacted from any ſuch Perſon or Perſons.

Citizens of this State, or of any of the United States, may pay Quit-Rents in public Securities to the State Treaſurer, on or before 1ſt *Jan.* 1787.

‡ *Altered,* 12th *Seſſ. Ch.* 39. *Time prolonged,* 10th *Seſſ. Ch.* 76. *Sec.* 1. 11th *Seſſ. Ch.* 39. *Sec.* 2. 12th *Seſſ. Ch.* 39.

No Quit-Rent accrued during a certain Period, to be demanded.

Citizens of this, or any of the United States, may commute

II. *And be it further Enacted by the Authority aforeſaid,* That it ſhall and may be lawful to and for all and every Perſon and Perſons, being Citizens of this State, or of any of the United States, who is, are or ſhall be ſeiſed of any

Lands

A. D. 1786.
Inde. *U. S.* X.

Lands or Tenements in this State, charged with an annual Quit-Rent, to commute for the ſame, by paying *Fourteen Shillings* for every Shilling of ſuch annual Quit-Rent, at any Time on or before the firſt Day of *May*, One Thouſand Seven Hundred and Eighty-ſeven, in ſuch public Securities or Certificates as aforeſaid, to the Treaſurer of this State for the Time being, for the Uſe of the People of this State; and the ſaid Treaſurer ſhall, upon ſuch Payment, give the Perſon making ſuch Payment, a Receipt or Certificate, expreſſing the Sum paid, the annual Quit-Rent in Lieu or Diſcharge of which the ſame is paid, and the Land on which the ſame annual Quit-Rent was charged or reſerved, and ſhall enter the ſame Receipt or Certificate in a Book by him to be kept for that Purpoſe, which Receipt or Certificate, or the Entry thereof, ſhall be a good Diſcharge of ſuch Quit-Rent for ever.

for the Quit-Rent, at the Rate of 14s. for 1s. in public Securities, on or before 1ſt *May*, 1787.

And the Treaſurer, on ſuch Commutation, to give a Certificate.

III. *And be it further Enacted by the Authority aforeſaid*, That where there are or ſhall be ſeveral Owners or Proprietors of any Tract of Land, chargeable with Quit-Rent, and which ſhall have been divided into as many Shares as there were original Proprietors in the Grant, it ſhall and may be lawful to and for any original Proprietor, or his or their legal Repreſentative, to pay the Proportion of ſuch Share in Manner directed in the firſt Clauſe of this Act, and to commute for the future Quit-Rents of ſuch Share, in Manner directed by the ſecond Clauſe of this Act. *Provided*, That ſuch Payment and commuting ſhall be on or before the firſt Day of *January* next.

Where Land charged with Quit-Rent is divided, any Proprietor may pay and commute for the Quit-Rent of his Share.

See 10*th Seſſ. Ch.* 76. *Sec.* 2.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for all and every Perſon or Perſons, not being Citizens of this State, or of any of the United States, who is or are ſeiſed of any Lands or Tenements in this State, charged with an annual Quit-Rent, to commute for the ſame, by paying *Fourteen Shillings* in Gold or Silver, for every Shilling of ſuch annual Quit-Rent, at any Time on or before the firſt Day of *January*, 1788, to the ſaid Treaſurer, for the Uſe of the People of this State; and the ſaid Treaſurer ſhall give a like Certificate, and enter the ſame as directed in the next preceding Clauſe.

All Perſons not Citizens, may commute for Quit-Rent in Gold or Silver, on or before the 1ſt *January*, 1788.

V. *And be it further Enacted by the Authority aforeſaid*, That where in the Grant or Patent of any Lands or Tenements in this State, the Reſervation is in Kind, and not in Money, the Value thereof ſhall be eſtimated according to the Accounts of the Receiver-General of the late Colony, now State of *New-York*; and in Caſes where no ſuch Eſtimation has been had by the Receiver-General, or that his Books and Accounts ſhall not be found, it ſhall and may be lawful for the Treaſurer of the State for the Time being, to ſettle the Accounts of ſuch Quit-Rents, expreſſed in Kind as aforeſaid, according to Equity and good Conſcience.

Value of Quit-Rent reſerved in Kind, how to be aſcertained.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Quit-Rents now due, and to become due, from any Perſon or Perſons not Citizens of this State, or of any of the United States, ſhall be paid in Gold or Silver Coin; and all Quit-Rents now due, and to become due from any Perſon or Perſons being Citizens of this State, or of any of the United States, and which ſhall not be paid on or before the ſaid firſt Day of *January* next, ſhall alſo be paid in Gold or Silver Coin only.

Quit-Rents due from Perſons not Citizens, to be paid in Gold or Silver;

And Quit-Rents due from Citizens, and not paid by 1ſt *January*, 1787, to be paid in Gold or Silver.

VII. *And be it further Enacted by the Authority aforeſaid*, That whenever there ſhall be three Years Quit-Rent due, and in Arrear upon any Grant or Patent for Lands in this State, or upon any Lands contained in ſuch Grant or Patent, it ſhall and may be lawful for the Treaſurer of this State for the Time being, and he is hereby required to give Notice, in two or more of the public News-Papers printed in this State (which public Notice ſhall be ſo continued

When three Years Quit-Rent is due, Treaſurer to give public Notice, that if the Arrears are not paid in twelve Months, the Lands will be ſold.

A.D. 1786. Inde. *U. S.* X.

continued for three Months at the leaſt) that if the Owners or Proprietors of ſuch Lands do not, within twelve Months after the Date of ſuch public Notice, pay the Arrears of Quit-Rent due for ſuch Lands, with the Charge of ſuch Notices, to the Treaſurer of this State for the Time being, then ſo much of the ſaid Lands will be ſold at public Vendue, as will pay the ſame, with the Charges of ſuch Notices and Sale. And ſuch Notice ſo to be given as aforeſaid, ſhall expreſs to whom the Grant or Patent was originally made; the Date thereof, and the Sum due thereby to the laſt Day of Payment preceding ſuch Notice, as far as the ſame does appear from the Accounts of Quit-Rents, in the Books of the ſaid late Receiver-General, or the Accounts of the ſaid Treaſurer; and upon the Failure of Payment of the ſaid Quit-Rent, and Charges of ſuch Notices as aforeſaid, it ſhall and may be lawful for the Treaſurer of this State for the Time being, and he is hereby required, by himſelf or his Attorney, or the Attorney-General of this State, to apply to the Junior Juſtice of the Supreme Court of Judicature of this State for the Time being, who is hereby authoriſed and required, as Juſtice of the Court of Exchequer for this State, to cauſe an Advertiſement to be publiſhed in one of the public News-Papers printed in the City of *New-York*, notifying all Perſons intereſted in ſuch Lands, to appear before him, on ſuch Day and at ſuch Place as he ſhall therein appoint, not leſs than thirty, nor more than forty Days thereafter, to ſhew Cauſe, if any he, ſhe, or they hath or have, why ſo much of the ſaid Lands ſhall not be ſold, as will ſatisfy and pay the ſaid Quit-Rent, with the Charge of ſuch Notices: And in Caſe no Perſon ſhall appear at the Time and Place ſo appointed, either in Perſon or by Attorney, or if any Perſon or Perſons ſhall appear at ſuch Time and Place, the ſaid Juſtice ſhall hear the Party or Parties ſo appearing, in a ſummary Way, and ſhall thereupon certify under his Hand, the Sum due for Quit-Rent on the ſaid Lands, together with the Charges of the ſaid Notices, and the Proceſs to iſſue thereon; and ſhall then iſſue Proceſs under his Seal, directed to the Sheriff of the County where the ſaid Lands lie, commanding ſuch Sheriff, within ſixty Days after the Teſte of ſuch Proceſs (which ſhall be in the Name of the People of this State, and teſted in the Name of the ſaid Juſtice on the Day of the Date of ſuch Certificate) to ſell at public Vendue, to the beſt Bidder, ſo much of the ſaid Lands, as will pay the Sum ſo certified to be due for Quit-Rent, and Charges as aforeſaid, and the further incidental Charges thereon, and to pay the ſame Monies ſo certified to be due for Quit-Rent and Charges, to the Treaſurer of this State, within ſixty Days after ſuch Sale. And every ſuch Sheriff to whom any ſuch Proceſs ſhall be directed, is hereby empowered and required, within ſix Days after the Receipt of ſuch Proceſs, to cauſe Advertiſements to be affixed on the Court-Houſe, and three or more of the moſt public Places in the County where the Lands lie, that on ſuch Day (which ſhall not exceed fifty, nor be leſs than thirty Days after the Date of ſuch Advertiſement) ſo much of the ſaid Lands will be ſold at public Vendue, at the ſaid Court-Houſe, to the beſt Bidder, as will pay the Sum mentioned in the ſaid Proceſs, and the Charges of Advertiſement, Sale, Survey, and Conveyance thereof. And upon the Day appointed for ſuch Sale as is before directed, the ſame Sale ſhall be made at the Court-Houſe of the County in which the Lands lie, between the Hours of nine of the Clock in the Forenoon, and two of the Clock in the Afternoon; and at the Time of ſuch Sale, ſuch Perſon or Perſons as will accept of the leaſt Quantity of Land to pay the Sum mentioned in the ſaid Proceſs, and all Charges, which ſuch Sheriff ſhall then make a true Account of, as far as can be then aſcertained, ſhall be deemed the beſt Bidder. And upon ſuch Sale, ſuch Sheriff ſhall cauſe ſuch Land ſo ſold, to be ſurveyed, and ſhall then, upon the Receipt of the Purchaſe-Money, make, ſign, ſeal and deliver Deeds and Conveyances thereof, to the Purchaſer or Purchaſers thereof; which Deeds and Conveyances ſo made and executed, ſhall be, and are by Virtue of this Act, declared

And on Failure of Payment, how Treaſurer to proceed.

Duty of the Junior Juſtice of the Supreme Court.

Duty of the Sheriff.

Deeds executed by the Sheriff for Lands ſold for Payment of Quit-Rents, declared valid.

A. D. 1786. Inde. *U. S.* X.

declared to be a good, valid and sufficient Title, both in Law and Equity, to all Intents and Purposes whatsoever; and the Purchaser and Purchasers of Lands by Virtue of this Act, and their respective Heirs and Assigns, shall be hereby severally vested in and intitled to an Estate in Fee Simple, of, and in all and every Part of the said Lands, Tenements and Hereditaments so by him, her or them purchased by Virtue of this Act. *Provided always*, That the Lands so to be sold by Virtue of, and in Pursuance of this Act, shall be surveyed and laid out in one entire Piece, and at one Side or End of the Tract out of which the same shall be sold; and shall always be of the unimproved Land, if there shall be so much thereof unimproved in one Piece. *Provided also*, That in any County in which there shall not be a Court-House at the Time of such Advertisement and Sale, the Advertisement shall be affixed, and the Sale shall be at the Place where the then last Inferior Court of Common Pleas was held. *And provided further*, That no such Sale shall be made, until after the first Day of *January* next.

And the Purchaser vested with an Estate in Fee Simple.

Lands sold to be laid out in one Piece.

No Sale to be made before the 1st *January*, 1787.

VIII. *And be it further Enacted by the Authority aforesaid*, That every Sheriff to whom any such Process shall be directed and delivered, shall, before he proceeds to execute the same, take an Oath, to be administred to him in the Words following; *to wit*:

Sheriff, before he proceeds to execute the Process, to take an Oath;

YOU *shall well, truly, faithfully and honestly discharge the Trust reposed in you by Virtue of an Act, entitled*, An *Act* for the Collection and Commutation of Quit-Rents, *according to the Best of your Skill and Understanding.*

Form of the Oath.

WHICH Oath any Justice of the Peace is hereby authorised and required to administer, and to give a Certificate thereof to the said Sheriff, who shall file the same with the Clerk of the County in which the Lands lie.

IX. *And be it further Enacted by the Authority aforesaid*, That the respective Sheriffs to whom any such Process shall be directed and delivered, shall, after the Delivery of such Deeds and Conveyances as aforesaid, and within sixty Days after such Sale, pay to the Treasurer of this State for the Time being, the Sum so certified by such Justice of the Supreme Court, and mentioned in such Process to be due for Quit-Rent on the said Lands, and for Charges as aforesaid. And it shall and may be lawful for such Sheriff to retain for his own Trouble, and the other Charges attending such Sale, so much as the Justices of the Peace of the same County where the Lands lie, in their General Sessions, shall allow and certify to be due for the same; and shall return the Surplus of the Monies, if any there be, to the Person or Persons to whom the Lands so sold did belong immediately before such Sale, or if he, she or they cannot be found, then such Sheriff shall deliver such overplus Monies to the said Treasurer, who is hereby required to receive and apply the same, from Time to Time, to the Payment of the Quit-Rent that shall become due thereafter from such Person or Persons; and the said Sheriff shall, at the same Time, deliver to the Treasurer, a full and just Account of the Monies arising from such Sale, and of the Application of the same.

And after Execution of Deeds, to pay the Sum due for Quit-Rent and Charges to the Treasurer;

Retaining for his Trouble, what shall be allowed by the Justices in their General Sessions;

And return the Overplus, if any, to the former Owner; or if he is not found, to the Treasurer.

[*The tenth and eleventh Sections of this Act are repealed*, 10*th Sess. Ch.* 76. *Sec.* 7.]

XII. *And be it further Enacted by the Authority aforesaid*, That no Purchaser of forfeited Estates shall be liable to pay Quit-Rents for any Lands purchased, or to be purchased by him or her, but the same, and all the Arrearages thereof, shall be, and are hereby forever remitted.

Quit-Rent on forfeited Estates forever remitted.

XIII. *And be it further Enacted by the Authority aforesaid*, That all Quit-Rents reserved in Sterling Money, shall be computed at and after the Rate of *One Hundred* and *Seventy-five Pounds*, lawful Money of this State, for every *One Hundred Pounds* Sterling Money aforesaid; and that all Quit-Rents reserved in Proclamation Money, shall be considered as current Money of this State.

Quit-Rents reserved in Sterling, to be computed at 175 per *Cent.*

Proclamation Money to be considered as current Money of this State.

[*The fourteenth Section of this Act is repealed*, 10*th Sess. Ch.* 76. *Sec.* 7.]

A.D. 1786. Inde. U. S. X.

Amended, 10th Seſſ. Ch. 54.

CHAP. XXIV.

An ACT *for Relief againſt abſconding and abſent Debtors,* Paſſed 4th April, 1786.

Preamble.

WHEREAS divers Perſons being indebted within this State, and having Eſtates or Effects in the ſame, with Deſign to defraud their Creditors of their juſt Dues, do ſecretly depart the State, and procure their Eſtates and Effects, or the Value thereof, to be remitted to them; or conceal themſelves within the State, in order to elude the Service of the ordinary Proceſs of the Law, or to bring their Creditors to an unreaſonable Compoſition, For Remedy whereof,

Creditors to a certain Amount, of any departed or concealed Debtor, may make Application to, and Oath before any Judge of the Supreme Court, of ſuch Debt & Departure or Concealment.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That from and after the paſſing of this Act, whenſoever it ſhall happen that any Perſon or Perſons whomſoever, being indebted within this State, ſhall either ſecretly depart this State, or keep concealed within the ſame, any one Creditor, or joint Company, whoſe Debt or Demand is due to them jointly, to whom ſuch abſconding or concealed Perſon or Perſons is or are indebted, in the Sum of *Forty Pounds*, or upwards, or any two to whom he, ſhe or they, is or are indebted, in the Sum of *Sixty Pounds*, or upwards, or any three to whom he, ſhe or they, is or are indebted, in the Sum of *Eighty Pounds*, or upwards, over and above all Diſcounts, may make Application to the Judges of the Supreme Court of this State, for the Time being, or any one of them, and make Affidavit or Affirmation, in Writing, in Caſes where by Law an Affirmation is allowed, that the ſaid abſconded or concealed Perſon or Perſons, is or are indebted to him, her or them, in the Sum ‡ in one of the Sums herein before mentioned, or in any Sum exceeding the ſaid Sum herein before mentioned, in any of the Caſes aforeſaid, over and above all Diſcounts; and that he, ſhe or they, do verily believe, that the ſaid abſconding or concealed Perſon or Perſons is or are, either departed the State, or concealed within it, with Intent and Deſign to defraud him, her or them, and other Creditors, if any ſuch there be, of their juſt Dues, or to avoid being arreſted by the ordinary Proceſs of Law; which Departure or Concealment ſhall alſo be proved to the Satisfaction of ſuch Judge or Judges, by two credible Witneſſes; and on ſuch Affidavit or Affirmation, and ſuch other Proof made, the ſaid Judge or Judges, or any one of them, hereby is and are fully impowered, authoriſed and required, forthwith to iſſue his or their Warrant or Warrants, to the Sheriff of the City or County which contains the laſt uſual Place of Reſidence of ſuch abſconding or concealed Perſon or Perſons, or to the Sheriff or Sheriffs of any or every other City or County within this State, commanding ſuch Sheriff or Sheriffs reſpectively to attach, ſeize, take and ſafely keep, all the Eſtate, as well real as perſonal, of the ſaid abſconding or concealed Perſon or Perſons, of what Kind or Nature ſoever, and every or any Part or Parcel thereof, in whatever Part of his Bailiwick they can be found, with all Evidences, Books of Accounts, Vouchers and Papers relating thereto; which Warrant or Warrants the Sheriff or Sheriffs reſpectively, to whom the ſame ſhall be directed and delivered, are hereby required, well and truly to execute, and with the Aſſiſtance of two ſubſtantial Freeholders, forthwith to make a juſt and true Inventory of all ſuch Eſtate and Effects as he ſhall ſeize and take by Virtue thereof, and to return the ſame, ſigned by himſelf and the ſaid two Freeholders, to ſuch Judge or Judges who iſſued the Warrant or Warrants for taking and ſeizing thereof.

‡ *So in the Original.*

Such Departure or Concealment to be proved by two Witneſſes;

And on ſuch Proof being made, the Judge to iſſue a Warrant or Warrants, to attach all ſuch Debtor's Eſtates.

How ſuch Warrant to be executed.

Notice of ſuch Attachment to be given in the News-Papers.

II. *And be it further Enacted by the Authority aforeſaid,* That ſuch Judge or Judges, who ſhall iſſue ſuch Warrant or Warrants, ſhall, immediately thereafter, order Notice to be given in two of the public News-Papers printed

in

A. D. 1786. Inde. U. S. X.

in this State, one of which to be printed in the City of *New-York*, that on Application to him or them made, by a Creditor or Creditors, as the Caſe may be, of ſuch abſconding or concealed Perſon or Perſons, he has directed all his, her or their Eſtates, real and perſonal, within this State, to be ſeized; and that unleſs he, ſhe or they, by Name, ſo abſconding or concealed, return and diſcharge his, her or their Debt or Debts, within three Months after ſuch public Notice given, all his, her or their Eſtates, real and perſonal, will be ſold for the Payment and Satisfaction of his, her or their Creditors.

Judge may order periſhable Goods to be ſold immediately, and the Monies paid to Truſtees.

III. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Sheriff or Sheriffs ſhall, by Virtue of any Warrant or Warrants to be iſſued in Purſuance of this Act, ſeize and take any periſhable Goods or Chattels, it ſhall and may be lawful for the Judge or Judges who iſſued ſuch Warrant or Warrants, at his or their Diſcretion, to order the Sale of ſuch periſhable Goods and Chattels, and the Monies ariſing thereby, to be delivered and paid to the Truſtees who ſhall be appointed in Purſuance of the Directions of this Act.

Where Goods ſeized are claimed by others, the Right of Property to be tried by a Jury.

IV. *And be it further Enacted by the Authority aforeſaid*, That if any Sheriff ſhall, by Virtue of any Warrant or Warrants to be iſſued in Purſuance of this Act, through Ignorance or Want of proper Information, ſeize and take any Goods, Chattels or Effects, which ſhall or may be claimed or challenged by any Perſon or Perſons, as his, her or their Property, it ſhall and may be lawful for ſuch Sheriff thereupon to ſummon and ſwear a Jury to enquire into, and try the Right and Property thereof; and if ſuch Jury ſhall, upon ſuch Inqueſt, find the Right and Property of ſuch Goods, Chattels or Effects, to be in the Perſon or Perſons ſo claiming the ſame, or in any other than the Perſon or Perſons againſt whoſe Effects or Eſtate ſuch Warrant or Warrants did iſſue, ſuch Sheriff ſhall forthwith, after ſuch Inquiſition had and taken, deliver ſuch Goods, Chattels and Effects, to the Perſon or Perſons in whom the Property thereof ſhall be ſo found, or to his, her or their Agent, Attorney or Aſſigns; and ſuch Sheriff ſhall not be liable to any Suit or Proſecution, for his having ſeized and taken ſuch Goods, Chattels or Effects, ſo ſeized and taken through Ignorance or for Want of proper Information, and all reaſonable Charges ariſing by the Sale of ſuch periſhable Goods or Chattels, or by ſuch Inqueſt as aforeſaid, ſhall be allowed and certified by the Judge or Judges who iſſued ſuch Warrant, and paid out of the Eſtate or Effects of the abſconding or concealed Perſon or Perſons, againſt whoſe Eſtate and Effects ſuch Warrant iſſued, if the Property of ſuch Goods, Chattels or Effects ſo claimed, ſhall, by ſuch Inquiſition, be found to be in any other than the Perſon or Perſons againſt whoſe Eſtate or Effects ſuch Warrant iſſued; but if the Property of the Goods, Chattels or Effects ſo claimed, ſhall, by ſuch Inquiſition, be found to be in the Perſon or Perſons againſt whoſe Eſtate or Effects ſuch Warrant of Attachment did iſſue; then all Coſts, Charges and Expences, accrued or ariſing by ſuch Claim and Inquiſition, or either of them, ſhall be paid by the Perſon or Perſons who claimed the ſame, or applied for an Inquiſition to be had, or occaſioned the ſame to be had and taken.

How Charges of the Sale of periſhable Goods, or of ſuch Inqueſt, are to be paid.

After public Notice, the Payment of Monies, or the Delivery of Effects to ſuch Debtor, to be deemed fraudulent.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, indebted to any ſuch abſconding or concealed Perſon or Perſons, or having the Cuſtody or Poſſeſſion of any Effects, or other Thing or Things whatſoever, of any ſuch abſconding or concealed Perſon or Perſons, ſhall, after ſuch firſt public Notice as aforeſaid given, pay any Debt or Demand, or deliver any ſuch Effects, or other Thing or Things whatſoever, to any ſuch abſconding or concealed Perſon or Perſons, or his, her or their Attorney, Agents, Factors or Aſſigns, the Perſon or Perſons ſo paying any ſuch Debt or

A.D. 1786. Inde. *U. S.* X.

or Demand, or delivering ſuch Effects, or other Thing or Things whatſoever, ſhall be deemed to have paid or delivered the ſame fraudulently, and is and are hereby made liable to anſwer the ſame, or the Amount or Value thereof, to ſuch Truſtees, or the Survivor of them, as ſhall by Virtue of this Act be appointed to receive and diſtribute the Eſtate and Effects of ſuch abſconding or concealed Perſon or Perſons, towards the Payment and Satisfaction of his, her or their Creditors; and if any Perſon or Perſons indebted to, or having the Cuſtody or Poſſeſſion of any Effects, or other Thing or Things whatſoever, of any abſconding or concealed Debtor or Debtors, ſhall, after ſuch public Notice as aforeſaid given, be ſued by him, her or them, or by his, her or their Order, Attorney or Procurement, for any ſuch Debt or Debts, Duty, Demand, Effects, or Thing, he, ſhe or they ſo ſued, may plead the general Iſſue, and give this Act and the ſpecial Matter in Evidence.

All Sales and Conveyances by ſuch Debtor, after ſuch Notice, to be void.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Sales and Conveyances of the Eſtates, Lands, Goods, Chattels or Effects of ſuch abſconding or concealed Perſon or Perſons, and all Aſſignments of any Promiſſary Note, Bill of Exchange, Security or *Choſe* in Action, to him, her or them due or belonging, made by him, her or them, after ſuch public Notice as aforeſaid given, and all Letters of Attorney by him, her or them, for ſelling any Eſtate or Effects, or collecting any Debts or Demands, whether made after or before ſuch firſt public Notice as aforeſaid given, ſhall be null and void, to all Intents, Conſtructions and Purpoſes whatſoever, as to all Acts done or to be done after ſuch firſt public Notice given; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

Perſons againſt whom ſuch Warrants are iſſued, who did not depart or conceal themſelves, how to be relieved.

VII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, againſt whoſe Eſtate or Effects ſuch Warrant or Warrants of Attachment as aforeſaid ſhall have iſſued, ſhall, at any Time before the Appointment of Truſtees for all the Creditors of ſuch Debtor or Debtors, be made either by him, her or them, or by his, her or their Attorney or Agent, by Petition, to the Judge or Judges who iſſued ſuch Warrant, offer to prove to the Court of which he or they is or are Judge or Judges, in open Court, that he, ſhe or they, againſt whoſe Eſtate or Effects ſuch Warrant or Warrants iſſued, is or are reſident within this State, and were not, at the Time ſuch Warrant iſſued, nor within thirty Days preceding, nor at any Time after, and is or are not then abſconding or concealed, and thereby pray that the ſame may be heard and determined at the then next Term of ſuch Court; and ſhall and do, at the ſame Time, execute and deliver to the Creditor or Creditors who applied for and obtained ſuch Warrant or Warrants of Attachment, a Bond with good and ſufficient Security, to be approved of by the ſaid Judge or Judges, in the Sum of *Forty Pounds*, binding the Obligors jointly and ſeverally with a Condition, that if ſuch Perſon or Perſons by Name, againſt whoſe Eſtate or Effects ſuch Warrant or Warrants iſſued, do not prove to the ſaid Court at the then next Term, that he, ſhe or they, is or are reſident in this State, and were not at the Time ſuch Warrant or Warrants iſſued, nor within thirty Days preceding the iſſuing thereof, nor at any Time after, and is or are not then abſconding or concealed, then ſuch Bond or Obligation to be void, otherwiſe to remain in full Force and Virtue; then, and in every ſuch Caſe, the Judge or Judges who iſſued ſuch Warrant or Warrants, ſhall report his or their Proceedings in the Premiſes, to the Court whereof he or they is or are Judge or Judges, at the next Term thereof; which Court is hereby authoriſed and impowered to compel the Parties and their Witneſſes to come into Court, and hear the Proofs and Allegations of the Parties and their Witneſſes in a ſummary Way, and thereupon to determine whether the Matters and Things in ſuch Petition have been fully proved and ſupported: And if ſuch Court ſhall adjudge and determine that the Matters

A. D. 1786. Inde. *U. S.* X.

Matters and Things contained in ſuch Petition, have been fully and ſatisfactorily proved and ſupported, then ſuch Court ſhall grant a Superſedeas to ſuch Warrant or Warrants, and the Perſon or Perſons againſt whoſe Eſtate or Effects ſuch Warrant or Warrants did iſſue, ſhall recover his, her or their Coſts, to be taxed by the ſaid Court in open Court, of the Creditor or Creditors who procured ſuch Warrant or Warrants of Attachment to be iſſued: But if the ſaid Court ſhall judge and determine that the Matters and Things in ſuch Petition mentioned, have not been fully and ſatisfactorily ſupported and proved to the ſaid Court, then the Perſon or Perſons to whom ſuch Bond as aforeſaid, ſhall have been given, his, her or their Executors or Adminiſtrators, ſhall recover the Penalty or Sum of ſuch Bond, together with Coſts of Suit, by Action of Debt, Bill, Plaint or otherwiſe, in any Court of Record within this State; the one Moiety of ſuch Penalty or Sum to the Uſe of the Obligee or Obligees, his, her or their Executors, Adminiſtrators or Aſſigns; and the other Moiety thereof, when recovered and received, to be paid to ſuch Truſtees, or the Survivor of them, as ſhall be appointed to manage and diſtribute the Eſtate and Effects, for ſeizing whereof ſuch Warrant or Warrants iſſued; to be by ſuch Truſtees, or the Survivor of them, diſpoſed of and diſtributed in like Manner as all other Monies that may come to their Hands by Virtue of their Appointment as Truſtees, are directed to be diſpoſed of by Virtue of this Act.

If ſuch Debtor do not return within three Months, ſuch Judge, or any other Judge of the ſame Court, to appoint Truſtees for all the Creditors.

VIII. *And be it further Enacted by the Authority aforeſaid*, That if ſuch abſconding or concealed Perſon or Perſons, do not return within *Three* Months next after ſuch public Notice as aforeſaid given, and diſcharge his, her or their Debt or Debts, or otherwiſe compound with, or ſatisfy his, her, or their Creditors, not having preſented ſuch Petition, and given ſuch Bond as aforeſaid; or if ſuch abſconding or concealed Perſon or Perſons ſhall have preſented ſuch Petition, and the Court ſhall have adjudged and determined that the Matters and Things in ſuch Petition mentioned, have not been fully and ſatisfactorily ſupported and proved, or ſhall have refuſed to grant a Superſedeas to ſuch Warrant or Warrants; that then, and in either ſuch Caſe, it ſhall and may be lawful for the Judge or Judges who iſſued the Warrant of Attachment, or the Judges of the ſame Court for the Time being, or any one of them, to nominate and appoint three or more fit Perſons to be Truſtees for all the Creditors of ſuch abſconding or concealed Perſon or Perſons; which Truſtees ſhall take an Oath or Affirmation, as the Caſe may be, well and truly to execute the Truſt by that Appointment repoſed in them, according to the Beſt of their Skill and Underſtanding: Which Oath or Affirmation the Judge or Judges appointing the ſaid Truſtees, is and are hereby required to adminiſter.

Truſtees to be ſworn.

Truſtees to notify their Appointment, and to require Perſons indebted to, or having Effects of ſuch Debtor, to pay or deliver the ſame to them by a certain Day;

IX. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Truſtees, or any two of them, when ſo as aforeſaid appointed, ſhall, as ſoon as may be thereafter, cauſe public Notice to be given in two of the News-Papers printed in this State, one of which to be printed in the City of *New-York*, of ſuch their Appointment, and thereby require all Perſons indebted to ſuch abſconding or concealed Perſon or Perſons, by a Day certain to be appointed by them, in their ſaid Notice, to pay all ſuch Sum or Sums of Money, or other Debt, Duty or Thing, which they owe to ſuch abſconding or concealed Perſon or Perſons, and deliver all Effects of ſuch abſconding or concealed Perſon or Perſons, which he, ſhe or they may have, in his, her or their Hands, Power or Cuſtody, to them the ſaid Truſtees; and that the ſaid Truſtees ſhall alſo, by public Advertiſement, in two of the ſaid News-Papers, deſire all the Creditors of ſuch abſconding or concealed Perſon or Perſons, by a certain Time in ſuch Advertiſement to be mentioned, to deliver to the ſaid Truſtees, or any one or more of them, their reſpective Accounts and Demands, againſt ſuch abſconding or concealed Debtor or Debtors.

And deſire all the Creditors of ſuch Debtor, to deliver their Accounts and Demands to one of the Truſtees.

A.D. 1786. Inde. U. S. X.

X. *And be it further Enacted by the Authority aforeſaid*, That ſuch Truſtees, and each and every of them, when ſo nominated and appointed, under the Hand and Seal, or Hands and Seals of the ſaid Judges, or any one of them, hereby is and are fully authoriſed and impowered to take into their Hands all the Eſtate of ſuch abſconding or concealed Perſon or Perſons, for the Management of whoſe Eſtate or Effects they were appointed, and every Part and Parcel thereof, that ſhall have been ſeized as aforeſaid, and all other, his, her or their Eſtate and Effects, which they the ſaid Truſtees may afterwards diſcover in any Part of this State, and all Evidences, Books of Accounts, Vouchers and Papers relating thereto; and ſuch Truſtees, immediately after their Appointment, ſhall be, and hereby are declared to be veſted with all the Eſtate, real and perſonal, of ſuch abſconding or concealed Perſon or Perſons, for the Management of whoſe Eſtate they were appointed; and they, and the Survivors and Survivor of them, is and are hereby enabled and made capable to ſue for, recover and receive all ſuch Eſtate, as well real as perſonal, Debts, Dues, Effects, or other Thing or Things whatſoever, as they ſhall find due, payable or belonging to ſuch abſconding or concealed Perſon or Perſons; and ſuch Sheriff or Sheriffs as ſhall have ſeized, attached, or taken any Eſtate, real or perſonal, or any other Matter or Thing whatſoever, by Virtue of any ſuch Warrant or Warrants as aforeſaid, ſhall deliver the ſame to ſuch Truſtees, or one of them; and ſuch Truſtees, and the Survivors and Survivor of them, is and are hereby authoriſed and directed to make Sale, by public Vendue, of all ſuch Eſtates and Effects of ſuch abſconding or concealed Perſon or Perſons as ſhall come to their Hands, after fourteen Days Notice of each Time and Place of Sale reſpectively, and of all Eſtate and Intereſt which ſuch abſconding or concealed Perſon or Perſons had in the ſame; and Deeds and Releaſes, Bills of Sale, or other Conveyances for the ſame, or any Part or Parcel thereof, from Time to Time to make and execute; which being ſo made and executed by them, or any two of them, or the Survivor of them, for ſuch Eſtates or Effects, or any Part or Parts thereof, ſhall be, and are hereby declared to be as good, valid and effectual to transfer the Property thereof, to all Intents, Conſtructions and Purpoſes whatſoever, as if executed by the ſaid abſconding or concealed Perſon or Perſons, before ſuch public Notice as aforeſaid given.

All the Eſtate, real and perſonal, of ſuch Debtor, veſted in the Truſtees, with Power to ſue for the ſame.

Truſtees to ſell ſuch Debtor's Eſtate and Effects at public Vendue.

Deeds executed by them declared valid.

XI. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons indebted to ſuch abſconding or concealed Debtor or Debtors, or having the Cuſtody of any Goods, Chattels or Effects, or other Thing or Things whatever, of ſuch abſconding or concealed Debtor or Debtors, ſhall conceal the ſame, and not deliver a juſt Account thereof to ſuch Truſtees as aforeſaid, or one of them, by the Day for that Purpoſe by them appointed, he, ſhe or they, ſo concealing, or not delivering ſuch Account thereof, ſhall forfeit double the Sum of the Debt or Debts, or double the Value of the Goods, Chattels, Effects, or other Thing or Things ſo concealed or not accounted for, to be recovered by the ſaid Truſtees, in any Court within this State having Juriſdiction to the Amount of ſuch Forfeiture, and applied as herein after directed: Which ſaid Courts are hereby reſpectively fully impowered to compel to come before them all ſuch Perſon or Perſons who ſhall ſo conceal, or not account as aforeſaid, and them to examine upon Oath or Affirmation touching the Premiſes, and to commit them or either of them to Priſon, if they refuſe to be ſo examined, or being ſo examined, refuſe to anſwer fully and ſatisfactorily to ſuch Court.

Perſons concealing Debts due, or Effects belonging to ſuch Debtors, to forfeit double the Sum or Value.

To be recovered by the Truſtees.

Court authoriſed to compel Perſons to anſwer on Oath.

XII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Truſtees of any Debtor or Debtors Eſtate, heretofore appointed by Virtue of any of the Laws of this State, or the late Colony of *New-York*, relating to fraudulent or abſconding Debtors, or hereafter to be appointed

Any Juſtice, upon Application of the Truſtees, to cauſe any Perſon to be brought before them by Warrant;

A. D. 1786.
Inde. *U. S.* X.

appointed by Virtue of this Act, or the Survivors or Survivor of them, or the major Part of ſuch Survivors, to apply to any Juſtice of the Peace in this State, who is hereby, in ſuch Caſe, required to grant a Warrant under his Hand and Seal, commanding ſuch Debtor or Debtors, the Wife or Wives of ſuch Debtor or Debtors reſpectively, and every other Perſon whomſoever, known or ſuſpected to detain any Part of the Eſtate of ſuch Debtor, or to be indebted to it, or knowing or ſuſpected to know any Thing concerning the Concealment or Embezzlement thereof, by their reſpective Names forthwith to be brought before ſuch Juſtice and Truſtees, at ſuch Place as the ſaid Juſtice and Truſtees, or the major Part of them, or the Survivors or Survivor of them, or the major Part of ſuch Survivors, ſhall, at the Time of the Application for, or the iſſuing of ſuch Warrant, appoint, where the ſaid Juſtice of the Peace is alſo hereby required and commanded to be preſent, or in Caſe of his Death, Abſence or Indiſpoſition, ſuch other Juſtice of the Peace as the ſaid Truſtees, or the major Part of them, or the Survivors or Survivor of them, or the major Part of ſuch Survivors, ſhall requeſt, to be preſent; at which Meeting, as well the ſaid Juſtice of the Peace as the ſaid Truſtees, or the Survivors or Survivor of them, or the major Part of ſuch Survivors, ſhall and may examine on Oath, or if a Perſon privileged by Law to affirm, on his or her Affirmation (which Oath or Affirmation the ſaid Juſtice of the Peace is hereby required to adminiſter) as well by Word of Mouth as on Interrogatories in Writing, all and every Perſon or Perſons brought before the ſaid Juſtice and Truſtees by Virtue of ſuch Warrant or Warrants, and any other Perſon or Perſons preſent at any ſuch Meeting, touching all Matters relative to the Perſon, Trade, Dealings, Debts, Credits, Eſtate or Effects of all and every ſuch Debtor or Debtors; and alſo to reduce to Writing the Anſwers of every ſuch Perſon had, given or taken before them as aforeſaid; which Examination, ſo reduced to Writing, the Perſon ſo examined ſhall and is hereby required to ſign and ſubſcribe; and in Caſe any Perſon ſo brought before them the ſaid Juſtice and Truſtees, or the Survivors or Survivor of them, or the major Part of ſuch Survivors, ſhall refuſe to be ſworn, or if a perſon ſo privileged by Law, to affirm as aforeſaid, or being ſworn or affirmed, ſhall refuſe to anſwer, or ſhall not fully anſwer to the Satisfaction of the ſaid Juſtice, all lawful Queſtions put to him, her or them, by the ſaid Juſtice and Truſtees, or the major Part of them then preſent, as well by Word of Mouth as by Interrogatories in Writing, or ſhall refuſe to ſign or ſubſcribe his, her or their Examination ſo taken down in Writing as aforeſaid, not having a reaſonable Objection either to the wording thereof or otherwiſe, to be allowed by the ſaid Juſtice; it ſhall and may be lawful for the ſaid Juſtice of the Peace, and he is hereby required, by Warrant under his Hand and Seal, to commit him, her or them, to Priſon, there to remain without Bail or Mainpriſe until ſuch Time as ſuch Perſon or Perſons reſpectively ſhall ſubmit to the ſaid Juſtice to be ſworn or affirmed as aforeſaid, and full Anſwer to make to the Satisfaction of the ſaid Juſtice, to all ſuch Queſtions as ſhall be put to him, her or them, as aforeſaid, and to ſign and ſubſcribe ſuch Examination as aforeſaid, according to the true Intent and Meaning of this Act. *Provided always*, That in Caſe any Perſon or Perſons ſhall be committed as aforeſaid, for refuſing to be ſworn or affirmed, or to anſwer, or for not fully anſwering any Queſtion or Queſtions put to him, her or them, by the ſaid Juſtice and Truſtees, or the major Part of them then preſent, by Word of Mouth or on Interrogatories; that the ſaid Juſtice of the Peace ſhall, in his Warrant of Commitment, ſpecify ſuch Default reſpectively; and if the Commitment be for refuſing to anſwer any Queſtion or Interrogatory, the ſaid Juſtice ſhall, in his Warrant, ſpecify ſuch Interrogatory or Interrogatories, Queſtion or Queſtions. *Provided alſo*, That in Caſe any Perſon or Perſons committed by ſuch Warrant or Warrants by Virtue of this Act, ſhall bring any

And to examine them on Oath, touching ſuch Debtor's Dealings, or Eſtate.

Examinations to be reduced to Writing, and to be ſigned by the Party.

Perſons refuſing to be ſworn, or to anſwer fully, or to ſubſcribe their Examinations, to be committed until they ſubmit.

Warrants of Commitment to ſpecify the particular Default.

Such Perſons bringing any Habeas Corpus, not to be diſ-

A.D. 1786. Inde. *U. S.* X.

charged for Want of Form in the Warrant.

any Habeas Corpus, in order to be diſcharged from any ſuch Commitment, and on the Return of any ſuch Habeas Corpus, there ſhall appear any Inſufficiency whatever in the Form of the Warrant whereby ſuch Perſon was committed, by Reaſon whereof the Party might be diſcharged of ſuch Commitment; that then it ſhall and may be lawful for the Court, or Judge before whom ſuch Party ſhall be brought by Habeas Corpus as aforeſaid, and ſuch Court or Judge ſhall, and is hereby required, by Rule, Order or Warrant, to commit ſuch Perſon or Perſons to the ſame Priſon to which he was firſt committed, there to remain as aforeſaid, unleſs it ſhall be made appear to ſuch Court or Judge, by the Party committed, that he, ſhe or they have fully anſwered all lawful Queſtions put to him, her or them, by the ſaid Juſtice and Truſtees that were then preſent, or the major Part of them; or in Caſe ſuch Perſon was committed for not ſigning his, her or their Examination, unleſs it ſhall be made appear to ſuch Court or Judge, that the Party ſo committed had a good and ſufficient Reaſon for refuſing to ſign the ſame; and in Caſe any Gaoler, or Keeper of any Priſon or Gaol, to whom any ſuch Perſon or Perſons ſhall be committed as aforeſaid, ſhall wilfully ſuffer any ſuch Perſon or Perſons to eſcape from ſuch Priſon, until he, ſhe or they ſhall be duly diſcharged as aforeſaid, ſuch Gaoler or Keeper ſhall, for every ſuch Offence, firſt being duly convicted thereof on Indictment or Information, forfeit to the Truſtees appointed to manage and diſtribute the Eſtate and Effects of ſuch abſconding or concealed Perſon or Perſons reſpectively, a Sum equal to all ſuch Sum or Sums of Money as ſhall be due or owing to the Creditor or Creditors of ſuch abſconding or concealed Perſon or Perſons, provided the ſame does not exceed the Sum of *One Thouſand Pounds*; to be ſued for and recovered by the ſaid Truſtees, or the Survivors or Survivor of them, in any Court of Record within this State, and diſtributed as herein after directed.

Gaolers wilfully ſuffering Eſcapes, to forfeit the Sum due to all the Creditors.

Such Forfeiture not to exceed 1000l.

Falſe ſwearing to be deemed wilful Perjury.

XIII. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Perſon ſo to be examined as aforeſaid, either in Court, or before ſuch Juſtice and Truſtees as aforeſaid, ſhall wilfully and knowingly ſwear or affirm falſely, the Perſon ſo offending ſhall be liable to the ſame Pains and Penalties as thoſe who are convicted of wilful and corrupt Perjury.

Perſons diſcovering ſecreted Effects, allowed 10 per *Cent.* on the Value thereof.

XIV. *And be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons (others than thoſe who have the Effects in their Cuſtody) who ſhall diſcover any Effects of any abſconding or concealed Debtor or Debtors, ſecreted contrary to the true Intent and Meaning of this Act, ſo that they be recovered by the Truſtees of ſuch abſconding or concealed Perſon or Perſons Eſtates, ſhall be, and hereby is or are entitled to Ten per Cent. on the Value of all Effects ſo diſcovered, recovered and received by the ſaid Truſtees, to be paid to the Perſon or Perſons ſo diſcovering, by the ſaid Truſtees, out of the Eſtate or Effects of ſuch abſconding or concealed Debtor or Debtors.

Truſtees empowered to ſettle Accounts,

And to examine Perſons on Oath, concerning the ſame.

XV. *And be it further Enacted by the Authority aforeſaid*, That the Truſtees of any abſconding or concealed Debtor's Eſtate, already appointed in Purſuance of any of the ſaid Laws of this State, or of the late Colony of *New-York*, relating to abſconding and fraudulent Debtors, or hereafter to be appointed in Purſuance of this Act, or any two of them, are hereby fully empowered to ſettle and adjuſt all Matters, Contracts and Accounts that may be ſubſiſting between ſuch abſconding or concealed Perſon or Perſons, and his, her or their Debtor or Debtors, and alſo between ſuch abſconding or concealed Perſon or Perſons, and his, her or their Creditor or Creditors, and to examine any Perſon or Perſons upon Oath or Affirmation, concerning any Matters, Accounts or Settlements between them, or either of them; which Oath or Affirmation the ſaid Truſtees, or any one of them, two of them being preſent, is and are hereby empowered to adminiſter.

XVI. AND

A. D. 1786. Inde. U. S. X.

Truſtees empowered to ſettle Controverſies by Reference.

XVI. And for the greater Eaſe and Relief of ſuch Truſtees as aforeſaid, *Be it further Enacted by the Authority aforeſaid*, That in Caſe any Controverſy ſhall ariſe concerning any Debt, Matter or Thing, claimed by any Creditor or Creditors of ſuch abſconding or concealed Perſon or Perſons, or concerning any Debt, Due, Duty, Matter or Thing claimed by the ſaid Truſtees, from or againſt any Perſon or Perſons, as belonging to, or in Right of the Effects or Eſtate of ſuch abſconding or concealed Debtor or Debtors, previous to ſuch public Notice as aforeſaid firſt given, it ſhall and may be lawful for ſuch Truſtees already appointed as aforeſaid, or hereafter to be appointed in Purſuance of this Act, or any two of them, or the Survivors or Survivor of them, to have every ſuch Controverſy determined in the following Manner; *That is to ſay*, The ſaid Truſtees, or any two of them, or the Survivors or Survivor of them, may nominate two Referees, not being Creditors of ſuch abſconding or concealed Debtor or Debtors, or to them known to be otherwiſe intereſted in ſuch Controverſy, or related to any Perſon intereſted in ſuch Controverſy; and the other Party or Parties in ſuch Controverſy ſhall alſo nominate two indifferent Perſons to be Referees, and their Names ſhall be ſeparately written on four Pieces of Paper, as nearly as may be of the ſame Size and Figure, which ſhall be rolled up ſeparately in the ſame Manner, and put into a Box, and from thence one of the Truſtees ſhall draw out three of the ſaid Pieces of Paper, and the Perſons whoſe Names are ſo drawn, ſhall finally ſettle ſuch Controverſy; and if any Referees ſo appointed, ſhall refuſe, or be incapable of acting, in a reaſonable Time, a new Choice ſhall be made, in like Manner as before, of another or others, in the Room of him or them ſo refuſing, or being incapable of acting as aforeſaid; and in Caſe any Perſon or Perſons who ſhall have any Controverſy with any ſuch Truſtees as aforeſaid, ſhall refuſe to nominate fit Perſons to be Referees on his, her or their Part, then ſuch Truſtees, or any two of them, or the Survivors or Survivor of them, are hereby empowered to nominate Referees for him, her or them ſo refuſing, and to proceed to the final Settlement of ſuch Controverſy, in Manner aforeſaid.

Mode of appointing the Referees.

Truſtees to convert Eſtates and Effects of Debtors into Money, and to collect Debts;

XVII. *And be it further Enacted by the Authority aforeſaid*, That all Truſtees hereafter to be appointed by Virtue of this Act, ſhall proceed to convert the Eſtate, real and perſonal, of ſuch abſconding or concealed Debtor or Debtors, for the Management of which Eſtates reſpectively they ſhall be appointed, into Money, and collect the Debts due to the ſame; and that the ſaid Truſtees, or any two of them, or the Survivors or Survivor of them, ſhall cauſe public Notice to be given in two of the public News-Papers printed in this State, one of which to be printed in the City of *New-York*, requeſting a general Meeting of all ſuch Creditors as ſhall chuſe to attend, to examine and ſee the Debts due to each Perſon aſcertained, at a certain Time and Place, by ſuch Truſtees in their ſaid Notice to be appointed, which ſhall not be leſs than two, nor more than three Months after ſuch Notice given, nor more than one Year and an Half from the Time of their firſt Appointment; at which Meeting, or other ſubſequent Meetings neceſſary for that Purpoſe, to be continued by Adjournment, if neceſſary, when all Accounts are fairly ſtated and adjuſted, they ſhall proceed to make a Diſtribution or Diviſion amongſt the Creditors, in Proportion to their reſpective juſt Demands, of all ſuch Monies as ſhall have come to their Hands as Truſtees of ſuch Eſtate or Effects (of which all Forfeitures by them recovered and received by Virtue of this Act, ſhall be conſidered as a Part) firſt deducting thereout all legal Charges and Commiſſions; in which Payments no Preference ſhall be allowed to Debts due on Specialties: And if the Whole of ſuch abſconding or concealed Debtor or Debtors Eſtate ſhall not be then ſettled and diſtributed, ſuch Truſtees, or any two of them, or the Survivors or Survivor of them, ſhall, within the Space of one Year thereafter, make a ſecond Dividend of all

To call a Meeting of the Creditors;

And to diſtribute the Monies by them received amongſt the Creditors.

No Preference to Debts on Specialties.

A. D. 1786. Inde. *U. S.* X.

all ſuch Monies as ſhall have come to his or their Hands after the firſt Diviſion; and ſo from Year to Year, until a final Settlement thereof, and a juſt and equal Diſtribution of ſuch Eſtate or Effects ſhall have been made amongſt the Creditors of ſuch abſconding or concealed Debtor or Debtors, in Proportion to their reſpective juſt Demands; and if any Surplus ſhall remain after all juſt Debts and legal Charges and Commiſſions are fully paid and ſatisfied, ſuch Surplus ſhall be paid or delivered to the ſaid abſconding or concealed Perſon or Perſons, his, her or their Executors, Adminiſtrators or Aſſigns.

Any Surplus remaining, to be paid to the Debtor.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons who may have given Credit to any ſuch abſconding or concealed Debtor or Debtors, on a valuable Conſideration, for any Sum of Money, which ſhall not be due or payable at the Time of any ſuch Diviſion or Diſtribution as aforeſaid, but will become due or payable at ſome after Time, ſhall and may, nevertheleſs, be admitted and conſidered as a Creditor or Creditors whoſe Debts were then due, and ſhall receive a Dividend of the Eſtate of ſuch abſconding or concealed Debtor or Debtors, in the ſame Proportion as other Creditors, deducting thereout only a Rebate of legal Intereſt for what ſhall be received on ſuch Debt or Debts, to be computed from the actual Payment thereof, to the Time ſuch Debt or Demand reſpectively would have become due.

Creditors having Demands not due at the Time of making the Dividend, to receive their Proportion upon a Rebate of the Intereſt.

XIX. *And be it further Enacted by the Authority aforeſaid*, That if any Creditor or Creditors ſhall neglect or refuſe to give Notice of, or deliver to the ſaid Truſtees, an Account of his, her or their Debt or Demand, or having any Controverſy relating to, or concerning the Eſtate of ſuch abſconding or concealed Debtor or Debtors, ſhall refuſe to adjuſt or ſettle the ſame with the ſaid Truſtees, in the Manner in and by this Act directed, until after a Diviſion ſhall have been made of the Monies and Effects in the Hands of the ſaid Truſtees, any ſuch Creditor or Creditors ſhall not be entitled to any Dividend, and the whole Monies then in Hand to be divided, ſhall be divided by the ſaid Truſtees among the other Creditors; but in Caſe the Whole of the Eſtate of ſuch Debtor or Debtors ſhall not be divided and ſettled at the firſt Diviſion, then, if ſuch Creditor or Creditors reſpectively ſhall prove and deliver unto ſuch Truſtees, an Account of his, her or their Debt or Demand, before the Time appointed for the ſecond Diviſion, or ſhall have ſettled ſuch Controverſy as aforeſaid, with the ſaid Truſtees, then ſuch Creditor or Creditors ſhall have his, her or their firſt Dividend, or ſo much Money as he, ſhe or they would otherwiſe have been entitled to, on the firſt Diviſion, before any ſecond Dividend ſhall be made.

Creditors neglecting to deliver their Accounts to the Truſtees, or to adjuſt or ſettle the ſame, excluded from any Dividend till ſuch Settlement.

XX. *And be it further Enacted by the Authority aforeſaid*, That any Creditor or Creditors reſiding out of this State, ſhall be entitled to all the Privileges and Benefits of this Act; and that the Attorney or Attornies of every ſuch Creditor or Creditors reſiding out of this State, on producing a Letter of Attorney from ſuch Creditor or Creditors, duly authenticated, and legal Proof of the Debt due, ſhall and may, in all Reſpects, act, do, and proceed for and in Behalf of ſuch Creditor or Creditors, in the ſame Manner as ſuch Creditor or Creditors might or could do, for ſecuring or recovering their reſpective Debts from ſuch abſconding or concealed Debtor or Debtors, if ſuch Creditor or Creditors was or were perſonally preſent.

Creditors reſiding out of this State, entitled to the Benefit of this Act.

XXI. AND *whereas* Perſons who dwell out of this State, may be indebted within the ſame, and have Eſtates or Effects ſufficient within the ſame to pay and ſatisfy ſuch Debts, or Parts thereof; Therefore, *Be it further Enacted by the Authority aforeſaid*, That the Eſtates, Goods, Chattels and Effects, real and perſonal, of all and every ſuch Perſon and Perſons (ſo indebted) as do

Eſtates of Debtors reſiding out of this State, liable to Seizure.

do or may dwell or reſide out of this State, ſhall alſo be ſubject and liable to be taken, ſeized, proceeded againſt, ſold, conveyed, and diſpoſed of for the Payment and Satisfaction of ſuch of the ſaid Debts as aforeſaid, as near as may be, in like Manner as the Eſtates and Effects of other Debtors, in and by this Act are made ſubject and liable to. *Provided always*, That inſtead of the Proof of abſconding or Concealment of ſuch Debtor or Debtors, the Creditor or Creditors applying for any Attachment againſt the Eſtate or Effects of any Perſon or Perſons reſiding out of this State, ſhall make Proof by two Witneſſes, to the Satisfaction of the Judge or Judges to whom Application for ſuch Attachment ſhall be made, that ſuch Debtor or Debtors reſide out of this State: *And alſo provided*, That in any ſuch Caſe, no Truſtees ſhall be appointed until the Expiration of one Year after ſuch public Notice as aforeſaid given.

Proof of Non-Reſidence to be made by two Witneſſes.

Truſtees not to be appointed until one Year after Notice.

XXII. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon againſt whoſe Eſtate or Effects ſuch Warrant or Warrants of Attachment ſhall be iſſued, ſhall, at any Time before the Appointment of Truſtees in the Manner aforeſaid, in Perſon, or by Attorney or Agent, apply to the Judge who ſhall have iſſued ſuch Warrant or Warrants, and give ſuch Security as ſuch Judge ſhall direct and approve, to the Perſon or Perſons at whoſe Inſtance ſuch Warrant or Warrants iſſued, to appear and plead to any Suit or Action to be brought in any Court of Law or Equity in this State, within ſix Months thereafter, againſt the ſame Perſon againſt whoſe Eſtate or Effects ſuch Warrant or Warrants ſhall be iſſued by the Perſon or Perſons at whoſe Inſtance ſuch Warrant or Warrants iſſued, and pay all ſuch Sums as may be adjudged or decreed in any ſuch Suit or Action; then, and in every ſuch Caſe, ſuch Judge ſhall iſſue a Superſedeas to ſuch Warrant or Warrants, and no farther Proceeding ſhall be had thereon. *And further*, That in all Caſes where upon any ſuch Attachment or Attachments, any Ship or Veſſel, or any Part thereof, ſhall be ſeiſed or attached, it ſhall be lawful for the Judge who ſhall have iſſued ſuch Warrant or Warrants, to cauſe ſuch Ship or Veſſel, or Part thereof, ſo ſeiſed or attached, to be valued by indifferent Perſons; and if any Perſon will give Security, to be approved of by ſuch Judge, to the People of the State of *New-York*, for the Benefit of the Creditors of ſuch Debtor, to pay the Amount of ſuch Valuation to the Truſtees to be in ſuch Caſe appointed, then ſuch Judge ſhall cauſe ſuch Ship or Veſſel to be diſcharged from ſuch Attachment.

Any Perſon againſt whoſe Eſtate ſuch Warrant has iſſued, if he appears before Truſtees are appointed, and gives Security, entitled to a Superſedeas.

Any Ship ſeized on Attachment, may be diſcharged on Security.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That the firſt Judge of the Inferior Court of Common Pleas in each County within this State, and the Mayor and Recorder of the City of *New-York*, and each and every of them is hereby authoriſed and empowered to put this Act in Execution in their reſpective Counties. *Provided always*, That where Warrants ſhall be iſſued by any Judge or Judges of the Supreme Court, and alſo by a firſt Judge of any of the ſaid Inferior Courts, or ſuch Mayor or Recorder, againſt the Eſtate or Effects of the ſame Perſon or Perſons; in ſuch Caſe, the Judges of the Supreme Court, or any one of them, ſhall award a Writ or Writs of *Certiorari*, to the Judge of ſuch Inferior Court, or Mayor or Recorder, as the Caſe may require, to remove the Proceedings there before the Judge or Judges of the Supreme Court, that he or they may proceed upon both Warrants, or either of them.

Firſt Judges of County Courts, and the Mayor and Recorder of *New-York*, authoriſed to put this Act in Execution in their reſpective Counties.

But where Warrants have iſſued by a Judge of the Supreme Court, and a Judge of the County Courts, Mayor or Recorder, the Proceedings to be removed by *Certiorari* into the Supreme Court.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That the Judge or Judges, Mayor or Recorder, who ſhall iſſue any Warrant or Warrants of Attachment in Purſuance of this Act, ſhall make Report to the Court whereof he or they is or are Judge or Judges, of the Proof of the Debt or Demand made by the Creditor or Creditors on whoſe Application ſuch Warrant or Warrants

The Judge iſſuing a Warrant, to make Report thereof, & of his Proceedings, to the Court of which he is a Judge.

A.D. 1786. Inde. *U. S.* X.

Warrants iſſued; of the iſſuing of ſuch Warrant or Warrants; of the Notice thereon ordered; of the Publication of ſuch Notice; of the Appointment of Truſtees; and of all other Matters required of him or them by this Act to be done out of Court; and Cauſe that Report to be entered in the Minutes of the ſaid Court, to be Evidence of the Facts ſo reported; and ſuch Report or the Record or Entry thereof in the Minutes of the ſaid Court, ſhall be full and concluſive Evidence of the Facts ſo reported in all Courts of Record within this State.

On Appointment of Truſtees, Judge making the ſame to endorſe thereon an Allowance for it to be recorded.

XXV. *And be it further Enacted by the Authority aforeſaid,* That the Judge or Judges, Mayor or Recorder who ſhall make any ſuch Appointment of Truſtees, ſhall and is and are hereby required, at the Requeſt of the Truſtees thereby appointed, or any one of them, to endorſe on ſuch Appointment an Allowance that the ſame may be recorded; which Allowance, ſigned by the ſaid Judges, Mayor or Recorder, or any one of them, if a Judge of the Supreme Court, ſhall be a ſufficient Warrant and Authority to the Secretary of this State, and to all or any of the Clerks of the reſpective Cities or Counties within this State, to record the ſame; and if ſuch Judge be a Judge of an Inferior Court of Common Pleas, or Mayor or Recorder, ſhall be a ſufficient Warrant and Authority to the Clerk of the Court or County whereof he is a Judge, to record the ſame; and any Appointment of Truſtees under the Hand and Seal or Hands and Seals of any Judge or Judges, or Mayor or Recorder, authoriſed to put this Act in Execution, or the Record thereof duly made in the ſaid Secretary's Office, or in the Office of the Clerk of any City or County of this State, ſhall be full and concluſive Proof in all Courts and Places within this State, that the Perſon or Perſons againſt whoſe Eſtate or Effects ſuch Warrant or Warrants iſſued, was or were, at the Time of iſſuing thereof, either abſent, abſconding or concealed Debtor or Debtors within the Meaning of this Act; and that the ſaid Appointment, and the Proceedings previous thereto, were regular, and according to the Directions of this Act.

Which Record ſhall be Evidence in all Courts.

XXVI. AND *whereas* the Affidavits or Affirmations of the Creditors whereon Warrants of Attachment have iſſued againſt concealed or abſconding Debtors, by Virtue of ſundry Laws of this State relating to fraudulent and abſconding Debtors, and the Warrants of Attachment iſſued as aforeſaid, and the Sheriffs Returns thereof, and Inventories therewith returned, have uſually remained with the Judge or Judges who iſſued the ſame, or one of them, and the Appointments of Truſtees made in Purſuance thereof, remained in the Hands of the Truſtees appointed, or one of them, and by Reaſon of the Deceaſe of ſuch Judges, and Death or Removal of ſuch Truſtees, are many times loſt or miſlaid; by Means whereof ſuch Perſons as have or may purchaſe any Meſſuages, Lands, Tenements or Hereditaments which were of ſuch abſconding or concealed Debtors, from or under any Truſtees for all the Creditors of any concealed or abſconding Perſon or Perſons appointed as aforeſaid, may be diſabled to make out their Rights and Titles to the ſame, and ſuch Affidavits or Affirmations, Warrants of Attachment or Appointments of Truſtees, in Caſe they can be found, are not at preſent of Record, or filed in any public Office of Record, which may be of evil Conſequences to ſuch Purchaſers as aforeſaid, or Perſons claiming under them: For Remedy whereof, *Be it further Enacted by the Authority aforeſaid,* That any Judge or Judges or Mayor or Recorder who ſhall iſſue ſuch Warrant or Warrants of Attachments as aforeſaid, purſuant to this Act, ſhall, and he or they is and are hereby required and directed to cauſe the Affidavits or Affirmations of the Creditor or Creditors made before him or them previous to the iſſuing of ſuch Warrant or Warrants reſpectively, within thirty Days after the taking of ſuch Affidavit or Affirmation, and ſuch Warrant or Warrants of

Affidavits and Warrants, and the Return

of Attachment as aforeſaid, within Thirty Days after the Return thereof, by ſuch Sheriff as ſhall return the ſame, together with the Sheriff's Return thereof, to be delivered into the Office of the Clerk of that Court whereof he or they is or are Judge or Judges; which Clerk is hereby required and commanded to mark, or cauſe them to be marked reſpectively, with the Day and Year on which each of them reſpectively ſhall be filed in his Office, and to preſerve the ſame amongſt the Papers filed in ſuch Office. And all Truſtees hereafter to be appointed by Virtue of this Act, or the Survivors or Survivor of them, who by Virtue of ſuch Appointment ſhall ſell and convey any Meſſuages, Lands, Tenements or Hereditaments, ſhall cauſe ſuch Appointment of Truſtees to be duly proved or acknowledged and allowed, ſo that the ſame may be recorded, and ſhall cauſe the ſame to be entered of Record either in the Secretary's Office of this State, or in the Office of the Clerk of the City or County wherein ſuch Meſſuages, Lands, Tenements or Hereditaments do lie; and every Appointment of Truſtees for the Eſtate of any fraudulent or abſconding or concealed Debtor, heretofore made by any Judge or Judges of the Supreme Court, or any of the Inferior Courts of Common Pleas, or by the Mayor or Recorder of the City of *New-York*, and every Appointment of Truſtees hereafter to be made in Purſuance of this Act, or the Record thereof made by ſuch proper Officer as aforeſaid, or an Office-Copy thereof, atteſted by any ſuch proper Officer as aforeſaid, in Caſe ſuch Record ſhould have periſhed by Fire or other Accident, together with a legal Title or Conveyance from ſuch Truſtees, or any two of them, or the Survivors or Survivor of them, proved or to be proved in ſuch due Form as by Law required, ſhall be a full, complete and perfect Title for ſuch Meſſuages, Lands, Tenements or Hereditaments, to ſuch Purchaſer or Purchaſers, his, her or their Heirs and Aſſigns, againſt ſuch abſconding, abſent or concealed Debtor or Debtors, his, her or their Heirs or Aſſigns, and all other Perſons claiming or to claim by, from or under him, her or them, by Virtue of any Act, Deed, Matter or Thing, after ſuch firſt public Notice as aforeſaid given; and all Sales and Conveyances of any Meſſuages, Lands, Tenements or Hereditaments, heretofore *bona fide* ſold and conveyed by any Truſtees heretofore appointed by ſuch Judge or Judges, Mayor or Recorder as aforeſaid, for the Management and Diſtribution of the Eſtate of any abſconding or concealed Debtor or Debtors, are hereby confirmed and declared to be valid and effectual, to all Intents and Purpoſes, to ſuch Purchaſer or Purchaſers, his, her and their Heirs and Aſſigns, againſt ſuch abſconding or concealed, or abſent Debtor or Debtors, his, her or their Heirs or Aſſigns, or any Perſon claiming or to claim by, from or under him, her or them, by Virtue of any Act, Deed, Matter or Thing, after ſuch firſt public Notice as aforeſaid given. *Provided always*, That ſuch Purchaſer or Purchaſers, his, her or their Heirs or Aſſigns, now are, and have been, for the Space of three Years laſt paſt, in the actual Poſſeſſion of ſuch Meſſuages, Lands, Tenements or Hereditaments.

thereof, to be filed in the Clerk's Office.

Truſtees ſelling real Eſtates, to record their Appointments.

Appointment of Truſtees, and a legal Conveyance from them, to be deemed a good Title.

Bona Fide Conveyances from Truſtees heretofore appointed, confirmed,

If the Purchaſer now is and has been in the Poſſeſſion of ſuch real Eſtate for three Years.

XXVII. *And be it further Enacted by the Authority aforeſaid*, That ſuch Truſtees as ſhall hereafter be appointed by Virtue of this Act, ſhall keep a regular Book, or regular Books of Account of all ſuch Monies as ſhall come to their Hands, by Reaſon, or on Account of ſuch their Appointment; to which Book or Books every Creditor intereſted in ſuch Monies or Eſtate, at all reaſonable Times, may have Recourſe; and that ſuch Truſtees, and each of them, ſhall be ſubject to ſuch Orders and Directions for the more effectual putting this Act in Execution, and finiſhing a Diſtribution of ſuch Eſtate or Effects as may come to their Hands by Virtue of ſuch Appointment, as ſhall, from Time to Time, be made and given in the Court by the Judge or Judges whereof ſuch Appointment of Truſtees was made; and alſo that ſuch Truſtees ſhall render unto the Court, by the Judge or Judges whereof they were

Truſtees to keep Books of Account of Monies received by them, to be open to the Inſpection of the Creditors, and be ſubject to the Orders of the Court, and render an Account of their Proceedings in open Court.

A.D. 1786. Inde. U. S. X.

appointed, a juſt and true Account or Accounts in Writing, upon Oath, or if of the People called Quakers, Affirmation, made in open Court, of their Proceedings and Accounts in the Premiſes, by Virtue of their Appointment, which ſhall be filed with the Clerk of the ſaid Court, for the Satisfaction of all Perſons concerned; and ſuch Truſtees of the Eſtate of any ſuch abſconding, abſent or concealed Perſon or Perſons, already appointed, or hereafter to be appointed, ſhall and may retain and keep in their Hands, for the Trouble and Services to be by them performed, the Sum of Five per Cent. on the whole Sum which ſhall come into their Hands by Virtue of ſuch Appointment, before each Dividend made, over and above all neceſſary Diſburſements in the Premiſes.

Truſtees to be allowed five per *Cent.* for their Trouble.

XXVIII. *And be it further Enacted by the Authority aforeſaid*, That any Judge or Judges, Mayor or Recorder, who have iſſued any Warrant or Warrants, in Purſuance and by Virtue of any Act or Acts againſt abſent, abſconding or concealed Debtors, may proceed thereon by Virtue of this Act; and that Truſtees appointed by any of the ſaid Acts, may exerciſe all the Powers given by this Act to ſuch Truſtees, and ſhall be ſubject to ſuch Rules, Orders and Regulations, as in and by this Act are appointed.

Warrants iſſued by Virtue of former Acts, to be proceeded on agreeable to this Act.

XXIX. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons ſhall be ſued for any Matter or Thing done in Purſuance or by Virtue of this Act, it ſhall and may be lawful for him, her or them, to plead the general Iſſue, and give the ſpecial Matter in Evidence; and alſo that this Act ſhall be beneficially conſtrued for the Creditors in all Courts of Record within this State.

Perſons ſued for any Thing done by Virtue of this Act, to plead the general Iſſue.

XXX. AND *whereas*, by the firſt Section of the Act, entitled, ‡ *An* Act *to amend an Act, entitled, An* Act *for Relief againſt abſconding and abſent Debtors, and to extend the Remedy of the Act, entitled, An* Act *for granting a more effectual Relief in Caſes of certain Treſpaſſes, and for other Purpoſes therein mentioned*, paſſed *May* the 4th, 1784, Remedy was given to Creditors againſt Debtors, deſignated in the ſaid firſt Section of the ſaid Act, with Authority to proceed againſt ſuch Debtors in Manner as nearly as may be, as is preſcribed and directed in and by an Act, entitled, *An* Act *for Relief againſt abſconding and abſent Debtors*, paſſed 3d Day of *April*, 1775. *And whereas* the Act laſt mentioned is expired by its own Limitation; *Be it therefore Enacted by the Authority aforeſaid*, That all Proceedings hereafter to be had againſt ſuch Debtors as are particularly deſcribed in and by the aforeſaid firſt Section of the Act firſt aforeſaid, ſhall, as nearly as may be, be in the Manner preſcribed and directed in and by this Act.

‡ *7th Seſſ. Ch.* 54.

Proceedings on former Act to be in Manner by this Act preſcribed.

CHAP. XXV.

Amended, 10th Seſſ. Ch. 92.

An ACT *to regulate the Militia.*

Paſſed 4th April, 1786.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That every able-bodied Male Perſon, being a Citizen of this State, or of any of the United States, and reſiding in this State, (except ſuch Perſons as are herein after excepted) and who are of the Age of Sixteen, and under the Age of Forty-five Years, ſhall, by the Captain or commanding Officer of the Beat in which ſuch Citizens ſhall reſide, within four Months after the paſſing of this Act, be enrolled in the Company of ſuch Beat. That every Captain or commanding Officer of a Company, ſhall alſo enrol every Citizen as

Citizens of 16 and under 45 Years of Age, to be enrolled by the Captain of the Beat in which they reſide, and to be notified thereof by him.

A. D. 1786.
Inde. U. S. X.

as aforesaid, who shall, from Time to Time, arrive at the Age of sixteen Years, or come to reside within his Beat, and without Delay notify such Enrolment to such Citizen so enrolled, by some non-commissioned Officer of the Company, who shall be a competent Witness to prove such Notice. That all Disputes which may happen with Respect to the Age or Ability of any Person to bear Arms, shall be determined by the Captain or commanding Officer of the Company, with a Right of Appeal by the Person who may conceive himself aggrieved, or by any other Person belonging to the Company, to the Colonel or commanding Officer of the Regiment. That every Citizen so enrolled and notified, shall, within three Months thereafter, provide himself, at his own Expence, with a good Musket or Firelock, a sufficient Bayonet and Belt, a Pouch with a Box therein to contain not less than Twenty-four Cartridges suited to the Bore of his Musket or Firelock, each Cartridge containing a proper Quantity of Powder and Ball, two spare Flints, a Blanket and Knapsack; and shall appear so armed, accoutred and provided, when called out to exercise or Duty, as herein after directed, except that when called out to exercise only, he may appear without Blanket or Knapsack. That the commissioned Officers shall be respectively armed with a Sword or Hanger, and an Espontoon. That the Commander in Chief for the Time being shall, by General Orders, arrange the whole Militia into Commands, as nearly equal as conveniently may be, of Brigades, Regiments and Companies, and may, from Time to Time, alter such Arrangements as he shall think proper; and that to each Brigade of Infantry there shall be one Company of Artillery, and one Troop of Horse. That each Regiment of Infantry shall consist of two Battalions, each Battalion to be composed of four Companies, and each Company of

Disputes about the Age or Ability of any Person, to bear Arms, how to be determined.

Militia how to be armed and accoutred.

Commander in Chief for the Time being, by General Orders, to arrange the Militia, and how.

One Captain,
One Lieutenant,
One Ensign,
Four Serjeants,
Four Corporals,
One Drummer,
One Fifer,

And not less than Sixty-five Privates, as nearly as local Circumstances will admit. The Serjeants, Corporals, Drummers and Fifers to be, from Time to Time, appointed by the Captain or commanding Officers of the several Companies. And if any non-commissioned Officer so to be appointed, shall refuse to accept the Office to which he shall be appointed, he shall forfeit the Sum of *Forty Shillings*, to be adjudged, levied and disposed of as is herein after directed, with Respect to Fines for neglecting or refusing to appear to exercise. That each Regiment shall be commanded by three Field Officers, *viz.* One Lieutenant-Colonel Commandant, and two Majors; and that to each Regiment there shall be a Regimental Staff, to consist of

Serjeants, Corporals, Drummers and Fifers, to be appointed by the Captain.

Penalty for refusing to serve.

Regimental Staff.

One Adjutant,
One Quarter-Master, } To rank as Lieutenants.
And one Pay-Master,
One Surgeon, and
One Surgeon's Mate.

And that to each Regiment there shall be two Light-Infantry Companies, composed of such active young Men as shall voluntarily engage in such Infantry Companies, and who shall form on the Flanks of the Regiment, and be clothed in such Uniform as is herein after directed. That four Regiments thus constituted, shall form a Brigade, to be commanded by a Brigadier-General, who may nominate his own Brigade-Major, which Brigade-Major shall rank as Captain.

Each Regiment to have two Light-Infantry Companies.

That

A.D. 1786. Inde. *U. S.* X.

Troop how officered.

THAT each Troop of Horſe ſhall conſiſt of
One Captain,
One Captain-Lieutenant,
One Lieutenant,
One Cornet,
Four Serjeants,
Four Corporals,
One Saddler,
One Farrier,
One Trumpeter, and
Forty Horſemen.

How armed.

EACH Trooper to furniſh himſelf with a ſerviceable Horſe, at leaſt fourteen Hands high, a good Saddle, Bridle, Houſing, Holſters, Breaſtplate and Crupper, a Pair of Boots and Spurs, a Pair of Piſtols, a Sabre, a Cartouch-Box to contain twelve Cartridges for his Piſtols; and that the commiſſioned Officers ſhall be armed with a Sword and Pair of Piſtols, the Holſters of which to be covered with Bearſkin Caps.

Artillery how to be officered.

THAT each Company of Artillery ſhall conſiſt of
One Captain,
One Captain-Lieutenant,
Three Lieutenants,
Six Serjeants,
Six Corporals,
Six Gunners,
Six Bombadiers,
One Drummer,
One Fifer, and
Thirty-two Matroſſes.

How armed.

EACH commiſſioned Officer ſhall be armed with a Sword or Hanger, a Fuſee, Bayonet and Belt, and Cartridge-Box, to contain twelve Cartridges, and each Artilleriſt ſhall furniſh himſelf, at his own Expence, with all the Equipments of a Private in the Infantry, until proper Ordinance and Field Artillery can be provided by the State; the Drum and Fife to be provided by the commiſſioned Officers of the Company.

Artillery Company, and Troops of Horſe, to be formed of Volunteers.

That each Company of Artillery and Troop of Horſe ſhall be formed of Volunteers from the Diſtrict of the Brigade, within which they reſide, and ſhall be uniformly clothed in Regimentals, to be furniſhed at their own Expence, the Colour and Faſhion of which to be determined by the Brigadier commanding the Brigade.

That on every Enliſtment of a Volunteer into the Horſe, Artillery or Light-Infantry, the Captains of ſuch Troops or Companies reſpectively, ſhall immediately certify the ſame to the Captain of the Beat from which ſuch Volunteer ſhall inliſt.

Regiments how to be provided with Colours.

That each Regiment ſhall be provided with State and Regimental Colours, at the Expence of the Field Officers, and each Company with a Drum and Fife, at the Expence of its commiſſioned Officers.

Militia to rendezvous four Times in a Year.

That all the Militia of the State ſhall rendezvous four Times in every Year, for the Purpoſe of training, diſciplining and improving in martial Exerciſes, twice by Companies within their Beats, once by Regiments, and once by ‡ Brigades; the Time and Place of Rendezvous for the Companies to be appointed by the Colonel or commanding Officer of the Regiment, and arranged on different Days, that the Field and Staff Officers may have an Opportunity of attending the ſeveral Companies exerciſed in Detail, in order to introduce Uniformity in the Manœuvres and Diſcipline of the Regiment.

That each commanding Officer of a Regiment ſhall appoint a Regimental Parade at ſome convenient Place, as nearly central as may be, within the Diſtrict of his Regiment; and each Brigadier-General ſhall appoint a Brigade Parade at ſome convenient Place within the Diſtrict of his Brigade, as nearly central

‡ *Altered, 10th Seſſ. Ch. 92. Sec. 2.*

A. D. 1786.
Inde. *U. S.* X.

central as may be; at which Brigade Parade ſuch Brigade ſhall rendezvous on ſuch Days as the Commander in Chief ſhall appoint by General Orders; and which Days ſhall be ſo arranged, that the Adjutant-General may be enabled to viſit and review them at their reſpective Brigade Parades. That there ſhall be an Adjutant-General of the Militia, whoſe Duty ſhall be to diſtribute all Orders from the Commander in Chief to the ſeveral Corps, and once in every Year review the Brigades; to attend the reſpective Brigades on their reſpective Parades; and the Regiment of Infantry, and Companies of Artillery and Cavalry, during the Time of their being under Arms, purſuant to this Act; and ſhall inſpect their Arms, Ammunition, Accoutrements and Clothing; ſuperintend their Exerciſes and Manœuvres, and introduce a Syſtem of Military Diſcipline throughout the State, agreeable to ſuch Orders as he ſhall, from Time to Time, receive from the Commander in Chief; to furniſh blank Forms of different Returns that may be required, and explain the Principles on which they ſhall be made; that within three Weeks after he ſhall have finiſhed his annual Review, he ſhall deliver to the Commander in Chief, a Return of all the Militia of the State, reporting the actual Situation of the Arms, Accoutrements and Ammunition of the ſeveral Corps, their Delinquencies, and every other Thing which in his Judgment may relate to their Police, and the general Advancement of good Order and Military Diſcipline; that he ſhall have the Rank of Lieutenant-Colonel, and ſhall be allowed, as a full Compenſation for all the Services he is required to perform by this Act, at and after the Rate of *Two Hundred and Fifty Pounds* for every Year. That to every Brigade there ſhall be an Inſpector, to rank as Major, whoſe Duty it ſhall be to attend the Regimental Parades, and ſhall then and there inſpect their Arms, Ammunition, Accoutrements and Clothing; ſuperintend their Exerciſes and Manœuvres, and introduce a proper Syſtem of Military Diſcipline throughout his Brigade, agreeable to ſuch Orders as he may, from Time to Time, receive from the Adjutant-General. That at the annual Brigade Rendezvous, the Light-Infantry Companies of the Regiments compoſing the Brigades, ſhall be formed into a Regiment, to be commanded by ſuch Field Officers as the commanding Officer of the Brigade ſhall appoint for that Service. That when ſo embodied, they ſhall continue together at leaſt four Days, and perform ſuch Manœuvres and Evolutions, under the Direction of the Adjutant-General, as he ſhall aſſign them. That the Artillery Company and Troop of Horſe belonging to each Brigade, ſhall, during ſuch Service, be attached to and remain with the Regiment of Light-Infantry, and be ſubject to the Orders of the commanding Officer thereof. That every regimental commiſſioned Officer ſhall report his Acceptance of his Appointment, within ten Days from his receiving Notice thereof, to the commanding Officer of the Regiment, who ſhall, in like Manner, within ten Days, make Return thereof to his Brigadier. The commiſſioned Officers of Cavalry and Artillery ſhall alſo notify the Acceptance of their Appointments, within ten Days after they have received Notice, to their Captains, and the Captains ſhall make ſimilar Returns to their Brigadiers within ten Days. That a general Court-Martial ſhall conſiſt of thirteen commiſſioned Officers, who ſhall appoint their own Judge-Advocate; which Judge-Advocate ſhall tender to each Member, and each Member is hereby enjoined to take the following Oath:

Adjutant-General to be appointed.

His Duty.

His Salary.

Each Brigade to have an Inſpector.

His Duty.

Light-Infantry Companies, at the annual Review, to be formed into a Regiment.
Altered, 10th Seſſ. Ch. 92. Sec. 2.

Artillery and Horſe to be attached to ſuch Regiment, & remain with them.

Commiſſioned Officers to report their Acceptance of their Appointments.

General Court-Martial.

Oath to be taken by the Members of the Court-Martial.

YOU *do ſwear, That you will, well and truly try and determine, according to Evidence, the Matter now depending between the People of the State of* New-York, *and the Priſoner or Priſoners to be tried; and you do further ſwear, That you will not divulge the Sentence of the Court, until the ſame ſhall be approved of, purſuant to this Act; neither will you, upon any Account, at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member of the Court-Martial, unleſs required to give Evidence thereof by a Court of Juſtice, in a due Courſe of Law.* SO HELP YOU GOD.

A.D. 1786. Inde. *U. S.* X.

AND the Preſident is hereby authoriſed to tender to the Judge-Advocate, who is hereby enjoined to take the following Oath:

Oath to be taken by the Judge-Advocate.

YOU *do ſwear, That you will not, upon any Account, at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member of the Court-Martial, unleſs required to give Evidence thereof as a Witneſs, by a Court of Juſtice, in a due Courſe of Law; and that you will not divulge the Sentence of this Court, until the ſame ſhall be approved, purſuant to this Act.* SO HELP YOU GOD.

Commiſſioned Officers when convicted how to be puniſhed.

THAT every commiſſioned Officer who ſhall be convicted by a General Court-Martial, of having refuſed or neglected to perform any of the Duties of his Office, ſhall be puniſhed according to the Nature and Degree of his Offence, at the Diſcretion of the ſaid Court, either by Fine or Removal from his Office. *Provided*, No Fine ſhall exceed *Ten Pounds* for the firſt Offence, or *Fifty Pounds* for any ſubſequent Offence; which Fine ſhall be levied and collected by Warrant under the Hand and Seal of the commanding Officer of the Brigade, directed to any Serjeant of the Regiment to which ſuch Officer, on whom ſuch Fine is impoſed, may belong, in like Manner as the Fines herein after mentioned to be recovered of non-commiſſioned Officers and Privates, for Neglect or Refuſal of Duty. That the commanding Officer of a Brigade may order Courts-Martial for the Trial of Offences within his Brigade; the Members of which ſhall be warned for that Duty by the Brigade-Major, who is to keep a Roſter for that Purpoſe. That the Proceedings and Sentence of every Court-Martial, by which any Officer ſhall be removed from Office, ſhall be in Writing, ſigned by the Preſident thereof; and that all Proceedings and Sentences ſhall, by the Preſident, be delivered to the commanding Officer of the Brigade, to be by him tranſmitted to the Commander in Chief, who ſhall approve or diſapprove of the ſame in Orders; and that all other Proceedings and Sentences of Brigade Courts-Martial, ſhall be delivered by the Preſident thereof to the commanding Officer of the Brigade, who ſhall approve or diſapprove of the ſame in Orders. That a Court-Martial for the Trial of General Officers, ſhall be ordered by the Commander in Chief, and compoſed of General and Field Officers, who ſhall be warned to that Duty by the Adjutant-General, from a Roſter to be by him kept for that Purpoſe. That the Proceedings and Sentences of ſuch Courts ſhall be tranſmitted by the Preſidents thereof, to the Commander in Chief, who ſhall confirm or diſapprove of the ſame in General Orders. *Provided*, That no Sentence of a Court-Martial on a General Officer, ſhall go farther than Removal from Office. That all Sentences of Courts-Martial, by which any Officer ſhall be removed, and which ſhall be approved by the Commander in Chief, ſhall, by him, from Time to Time, be laid before the Council of Appointment, to the End that the Perſon adminiſtring the Government of this State for the Time being, by and with their Advice and Conſent, may appoint others inſtead of the Officers ſo removed from Office. That every non-commiſſioned Officer or Private, who ſhall neglect to appear when warned in Purſuance of this Act, without ſufficient Excuſe, ſhall, for every Day he neglects to appear at the Brigade Rendezvous, forfeit the Sum of *Twenty Shillings*, and ſhall, for every Day he neglects to appear at the Regimental or Company Parades, forfeit the Sum of *Eight Shillings*; and if he ſhall not be armed and equipped according to the Directions of this Act, when ſo appearing, without ſufficient Excuſe, he ſhall, for every Deficiency, forfeit the Sum of *One Shilling*; and appearing without a Muſket, the Sum of *Four Shillings*. That the Commiſſions to be granted to Officers of the Militia, ſhall be numbered; and the Officers of the ſame Grade ſhall take ‡ Rank according to the Numbers marked on their reſpective Commiſſions; and when Officers of different Corps ſhall meet on Duty, the Rank of Officers of the like Grade ſhall be determined

Fine not to exceed 10l. for the firſt, or 50l. for any ſubſequent Offence.

Brigade Court-Martial to be ordered by Commander of the Brigade.

Courts-Martial for the Trial of General Officers, how to be ordered and conducted.

Sentences of Removal approved by the Commander in Chief, to be laid before the Council of Appointment.

Fines on non-commiſſioned Officers and Privates.

Commiſſions to be numbered, & Officers to take Rank according to ſuch Numbers.

‡ *Altered, 10th Seſſ. Ch. 92. Sec. 3.*

A. D. 1786.
Inde. *U. S.* X.

determined by Ballot, by the commanding Officer of the Whole then preſent. That one Brigade, Regiment, or Company of Foot (except the Light-Infantry Companies herein before mentioned) ſhall not be conſidered as older, or having Rank or Preference of the other; but each Brigade, Regiment, or Company, ſhall be poſted in the Line, or on Command, as the commanding Officer ſhall think proper. That all Fines ariſing from Offences in a Company only, ſhall he adjudged of, and impoſed by the commiſſioned Officers of the ſaid Company, or the major Part of them; and all Fines to ariſe from Offences on calling out the Regiment or Brigade, with Reſpect to the non-commiſſioned Officers and Privates, ſhall be adjudged and inflicted by the major Part of the Field Officers of the Regiment, and ſhall be levied, with Coſts, not exceeding *Three Shillings*, by Warrant from the Colonel or commanding Officer of the Regiment, or Captain, or commanding Officer of the Company, as the Caſe may be, directed to one or more Serjeants, by Diſtreſs and Sale of the Goods and Chattels of the Offenders reſpectively. And in Caſe any ſuch Defaulter ſhall be under Age, and live with his Father or Mother, or ſhall be then an Apprentice or Servant, the Maſter or Miſtreſs, or Father or Mother, as the Caſe may be, ſhall be liable to pay the ſaid Fine, with Coſts; and in Default of Payment, the ſaid Serjeant ſhall levy the ſame upon the Goods and Chattels of ſuch Father or Mother, or Maſter or Miſtreſs; ſuch Fines, when recovered, to be paid by the Serjeant or Serjeants, to the Officer granting ſuch Warrant, whoſe Duty it ſhall be to account for, and pay the ſame to the commanding Officer of the Brigade; and ſuch commanding Officer ſhall pay the ſame into the Treaſury of this State. That the City and County of *New-York* ſhall raiſe one Regiment of Artillery, to conſiſt of as many Companies as the Commander in Chief ſhall judge neceſſary, not to exceed four; which Companies ſhall conſiſt of the ſame Number of Officers, non-commiſſioned Officers, and Matroſſes, as the Artillery Companies herein before mentioned. That ſuch Regiment of Artillery ſhall have three Field Officers, ſhall be armed and accoutred in the ſame Manner as the other Artillery Companies mentioned in this Act, until further Proviſion is made therein by Law, and ſhall be called out to exerciſe, by Orders from the Commander in Chief, at leaſt ſix Times in every Year, and be ſubject to the ſame Fines and Penalties as are inflicted by this Act for the Neglect or Refuſal to do Duty, or being deficient in any Arms or Equipments.

No Brigade, Regiment or Company, entitled to Rank.

Regimental & Company Fines how to be adjudged and levied.

Fines on Perſons under Age, how to be levied.

To be paid into the Treaſury of this State. *Altered*, 10*th Seſſ. Ch.* 92. *Sec.* 7.

City of *New-York* to raiſe one Regiment of Artillery.

II. *And be it further Enacted by the Authority aforeſaid*, That the Commander in Chief for the Time being, may, in Caſe of Invaſion or other Emergency, when he ſhall judge it neceſſary, order out any Proportion of the Militia of the State, to march to any Part thereof, and continue as long as he may think neceſſary; and likewiſe may, in Conſequence of an Application from the Executive of any of the United States, on an Invaſion, or an Apprehenſion of an Invaſion of ſuch State, at his Diſcretion, order any Number of the Militia, not exceeding one third Part thereof, to ſuch State. *Provided*, That they be not compelled to continue on Duty out of this State more than Forty Days at any one Time: That while in actual Service, in Conſequence of being ſo called out, they ſhall receive the ſame Pay and Rations, and be ſubject to the ſame Rules and Regulations, as the Troops of the United States of *America*.

Commander in Chief, in Caſe of Invaſion, may order out the Militia;

And on Application from a neighbouring State, may order out one Third, and keep them on Duty out of the State for 40 Days.

Militia, while in Service, to have Pay and Rations.

III. *And be it further Enacted by the Authority aforeſaid*, That the Lieutenant-Governor, Members and Officers of Congreſs, and their Servants not Citizens of this State, Members of Senate and Aſſembly, the Clerks of Senate and Aſſembly, the Chancellor, Chief Juſtice and other Juſtices of the Supreme Court, Judge of the Court of Probates, and all other judicial Officers, Secretary, Treaſurer, Attorney-General and Auditor of this State, Surveyor-General,

Certain Characters exempted from Militia Duty.

A.D. 1786. Inde. *U. S.* X.

General, Regiſters of Courts, Sheriffs, Coroners and Gaolers, two Ferrymen employed to each Boat, and the Surrogates in the ſeveral Counties, all Miniſters or Preachers of the Goſpel, Phyſicians and Surgeons, except in their reſpective Profeſſions and Callings, the Profeſſors, Tutors and Students of Columbia College, Poſt-Officers, and Stage-Drivers who are employed in conveying the Mails of the Poſt-Office of the United States, all School-Maſters engaged for ſix Months, the actual Attendant of every Griſt-Mill, and the Fire-Men of the Cities of *New-York* and *Albany*, and of the Townſhip of *Brooklyn*, and Twenty Fire-Men, to be from Time to Time appointed by the Majority of the Magiſtrates of the County of *Albany*, reſiding in the Townſhip of *Schenectady*, notwithſtanding their being above ſixteen and under Forty-five Years of Age, ſhall be, and hereby are exempted from training or doing Duty in the Militia.

Quakers, inſtead of Duty, to pay 40s. per Annum.

IV. *And be it further Enacted by the Authority aforeſaid*, That all Perſons, being of the People called Quakers, who would otherwiſe be ſubject to Military Duty, by Virtue of this Act, and who ſhall refuſe perſonal Military Service, ſhall be exempted therefrom, on paying annually the Sum of *Forty Shillings* each for ſuch Exemption; ſuch Sum to be aſſeſſed on each of them reſpectively by the Aſſeſſors, and collected by the Collectors of the Diſtricts wherein they reſpectively reſide, with the contingent Charges of the County, and paid to the County Treaſurer, who ſhall pay the ſame into the Treaſury of this State, to be applied towards the Support of Government; and it is hereby made the Duty of every Captain of Infantry, within three Months after he ſhall have received his Commiſſion, and yearly and every Year thereafter, on the firſt Monday of *June* in every Year, to make a Liſt of the Names of all and every Perſon and Perſons within his Beat, who being of the People called Quakers, ſhall neglect or refuſe perſonally to perform Military Service, and deliver ſuch Liſt, in the City of *New-York*, to the Clerk of the ſaid City, and in each of the other Counties of this State, to the Superviſor of the Town, Precinct or Diſtrict where ſuch Perſon or Perſons ſo neglecting or refuſing to perform Military Service, ſhall reſpectively reſide. And the Clerk of the ſaid City of *New-York* ſhall forthwith, after receiving ſuch Liſts, deliver the ſame to the Mayor, Aldermen and Commonalty of the ſaid City, in Common Council convened. And the Mayor, Recorder and Aldermen of the City of *New-York*, or any three of them, in the ſaid City, and the Superviſors, or major Part of them, of each of the other Counties of this State, reſpectively, ſhall, at their firſt Meeting after the Delivery of ſuch Liſts, cauſe Tax-Liſts to be made out, according to ſuch Liſts ſo delivered, with Warrants thereon, under their Hands and Seals, directed to the Collector of the Ward, Town, Precinct or Diſtrict in which ſuch Perſons named in ſuch Liſts, reſpectively reſide, for levying the Sum of *Forty Shillings*, of the Goods and Chattels of each of the Perſons named in the ſame Liſts. And the ſaid Collectors are hereby reſpectively authoriſed and required to demand and receive of each of the Perſons named in ſuch Tax-Liſt, the ſaid Sum of *Forty Shillings*; and in Default of Payment, ſuch Collector ſhall levy the ſaid Sum of *Forty Shillings*, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo neglecting or refuſing to pay the ſame; and in Caſe any Perſon named in ſuch Tax-Liſt ſhall be under Age, and live with his Father or Mother, ſhall be then an Apprentice or Servant, the Maſter or Miſtreſs, or Father or Mother, as the Caſe may be, ſhall be liable to pay the ſaid Sum of *Forty Shillings*, for ſuch Perſon ſo under Age; and in Default of Payment, the Collector ſhall levy the ſame by Diſtreſs, and the Sale of the Goods and Chattels of ſuch Father or Mother, Maſter or Miſtreſs; and the ſaid reſpective Collectors ſhall reſpectively pay the ſaid Monies to the City or County Treaſurer, deducting their Fees for collecting, on or before the firſt Monday in *January* in every Year; and the County Treaſurers ſhall reſpectively pay the ſame to the Treaſurer of this

How collected and appropriated.

this State, deducting his Fees for receiving the same, on or before the first Monday in *March* in every Year. And the Collectors and County Treasurers shall have the like Fees for collecting and receiving the said Monies, as they are respectively entitled to for collecting and receiving the Monies raised for defraying the necessary and contingent Charges of the said City or Counties.

A. D. 1786. Inde. *U. S.* X.

V. *And be it further Enacted by the Authority aforesaid*, That the non-commissioned Officers and Privates of the Companies of Artillery, Cavalry, and Infantry, which by this Act are directed to remain embodied for the Purpose of being trained and instructed in Military Discipline after the other enrolled Militia of this State are dismissed, shall be allowed and paid, for every Day which they shall so remain as aforesaid longer than the said enrolled Militia, each *Two Shillings*.

Repealed, 10*th Sess. Ch.* 92. *Sec.* 4. Non-commissioned Officers and Privates of certain Companies, remaining embodied allowed 2*s.* per Day.

VI. *And be it further Enacted by the Authority aforesaid*, That the Captains of the respective Companies of Artillery, Cavalry and Infantry, which shall remain embodied as aforesaid, shall make out and deliver to the Inspector of the Brigade to which such Companies shall respectively belong, a Roll of their respective Companies, specifying the Names of the non-commissioned Officers and Privates who have actually been in the Field as aforesaid, and the Times which they have so been in the Field; and that the said Inspector shall muster the said Companies on the Day next before the Day of their Dismission, and shall certify the exact State of such Companies respectively, upon the Muster-Roll thereof, and subscribe his Name thereto; which Muster-Roll, being subscribed and sworn to by the Captains of such Companies respectively, before the Brigadier or commanding Officer of the Brigade, shall, by the said Captains, together with a Pay-Roll, be delivered to such Brigadier, or commanding Officer of the Brigade.

Captains of such Companies to deliver a Roll of their Companies.

VII. *And be it further Enacted by the Authority aforesaid*, That when the Muster-Rolls and Pay-Rolls of the said Companies respectively, shall be delivered as aforesaid to the Brigadier, or commanding Officer of the respective Brigades, the said Brigadier, or commanding Officer of the Brigade, shall cause the Major of Brigade to make out an Abstract of the Whole of the Pay of the said Companies of Cavalry, Artillery and Infantry, of his Brigade; which Muster-Rolls, Pay-Rolls and Abstract, being severally examined and certified by the said Brigadiers, or commanding Officers of the Brigades respectively, shall be transmitted to the Treasurer of the State.

Brigade-Major shall make Abstracts of the Pay of such Companies.

VIII. *And be it further Enacted by the Authority aforesaid*, That when the Muster-Rolls, Pay-Rolls and Abstract, shall have been delivered in Manner aforesaid, to the Treasurer of the State, the said Treasurer shall and may, and he is hereby authorised and directed to pay to the Captains of such Companies respectively, upon Application therefore, the Amount of the Pay of their respective Companies, to be specified in their Pay-Rolls as aforesaid, out of any unappropriated Monies in the Treasury; and such Captains shall, as soon as conveniently may be, pay the same to such non-commissioned Officers and Privates respectively, who are entitled to the same, or their Executors or Administrators.

Treasurer to issue the Monies to Captains, for Pay of their Companies.

IX. *And be it further Enacted by the Authority aforesaid*, That the Commander in Chief shall, from Time to Time, arrange the Militia in two Divisions, as nearly equal as Circumstances in his Opinion will admit of.

Commander in Chief to arrange the Militia in two Divisions.

X. And *whereas* from the great Extent of the Counties of *Washington* and *Montgomery*, some of the Inhabitants would be subject to great Expence and Difficulty, if they were obliged to attend at Regimental and Brigade Parades:

Those Persons in *Washington* and *Montgomery* who live above 30 Miles from the Re-

A. D. 1786. Inde. *U. S.* X.

gimental and Brigade Parades, excuſed from attending.

Parades; *Be it therefore Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the reſpective commanding Officers of the Militia in each of the ſaid Counties, to exempt ſuch Perſons from attending Regimental and Brigade Parades, as ſhall live at a greater Diſtance than Thirty Miles from ſuch Parades aforeſaid.

Militia in *Richmond* to be formed into one Regiment,

XI. AND *whereas*, from the inſular Situation of the County of *Richmond*, it will be attended with much Inconvenience and Expence, if the Militia thereof ſhould be compelled, for the Purpoſe of improving in Military Diſcipline, to attach themſelves to the Militia of any other County: Therefore, *Be it further Enacted by the Authority aforeſaid*, That the Militia of the ſaid County of *Richmond*, ſhall be formed into one Regiment, to conſiſt of as many Companies as the Commander in Chief ſhall judge neceſſary; which Regiment ſhall meet four Times in the Year, in the Manner, and during the Periods which the other Militia of this State are directed to meet; but ſuch Regiment ſhall be inſpected in the ſaid County, by ſuch Inſpector of the Militia of the City and County of *New-York*, as the Commander in Chief ſhall direct, and ſhall be attached to, and conſidered as Part of the Militia of the City and County of *New-York*, and be ſubject to the immediate Command of the ſenior Brigadier of the ſaid City and County, as Part of his Brigade.

And conſidered as Part of the Militia of *New-York*.

Mode of ſupplying Deficiencies in the Infantry.

XII. *And be it further Enacted by the Authority aforeſaid*, That if a ſufficient Number of Volunteers ſhall not offer themſelves to compoſe the Infantry Companies of any Regiment, it ſhall and may be lawful, from Time to Time, when a Deficiency in the Compliment of any ſuch Company ſhall ariſe, to and for the Field Officers of the Regiment to cauſe a Liſt to be made, of all the young Men enrolled in the Diſtrict of ſuch Regiment, above the Age of Sixteen, and under the Age of Twenty-ſix Years, and who ſhall not already have inliſted in the ſaid Infantry Companies, and ſhall, by Lot, determine which of the ſaid young Men ſhall be compelled to attach themſelves to the ſaid Companies of Infantry.

Mode of ordering out the Militia in Times of Invaſion.

XIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any Major-General, or commanding Officer of a Brigade, or commanding Officer of a Regiment, when, and as often as any Invaſion may happen, to order out the Militia under their reſpective Commands, for the Defence of this State, giving Notice of ſuch Invaſion and every Circumſtance attending the ſame, as early as poſſible, to their immediate commanding Officer, by whom ſuch Information ſhall be tranſmitted, with the utmoſt Expedition, to the Commander in Chief. And that in Caſes of Inſurrections, the commanding Officer of the Regiment within the Limits of which any ſuch Inſurrection may happen, ſhall immediately aſſemble his Regiment under Arms, and having tranſmitted Information thereof to the commanding Officer of the Brigade, and to the Commander in Chief, ſhall proceed to take ſuch Meaſures to ſuppreſs ſuch Inſurrection, as to any three of the Judges or Juſtices of the County in which ſuch Inſurrection ſhall happen, ſhall appear moſt proper and effectual. And if any Perſon be wounded or diſabled while in actual Service, in oppoſing any Invaſion or Inſurrection, or in ſuppreſſing the ſame, he ſhall be taken Care of, and provided for at the public Expence, without having any Regard to the Rank ſuch Perſon may hold.

Officers Duty in Caſes of Inſurrections.

Perſons diſabled in oppoſing any Invaſion or Inſurrection, to be provided for at the public Expence.

Commiſſary of Military Stores to be appointed.

His Salary.

XIV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Perſon adminiſtring the Government of the State for the Time being, by and with the Advice and Conſent of the Council of Appointment, to appoint a Commiſſary of Military Stores, who ſhall be allowed

allowed at and after the Rate of *Forty Pounds* per Annum; and such Commissary shall have the Charge and Keeping of Ordinance and Military Stores of the State, subject to such Orders and Instructions in the Execution of his Duty, as he shall receive from the Commander in Chief.

A. D. 1786. Inde. U. S. X. His Duty.

XV. *And be it further Enacted by the Authority aforesaid,* That every non-commissioned Officer and Private, who shall neglect or refuse to obey the Orders of his superior Officer while under Arms, shall forfeit *Twenty Shillings* for every such Offence; and if any such non-commissioned Officer or Private enrolled to serve in either of the Companies of Artillery, Cavalry or Infantry, shall refuse or neglect to perform such Military Duty or Exercise as he shall be required to perform, or shall depart from his Colours or Guard without the Permission of his superior Officer as aforesaid, he shall forfeit the Sum of *Twenty Shillings;* and for the Non-Payment thereof, the Offender shall be committed, by Warrant from the Captain or commanding Officer of the Troop or Company then present, to which such Offender doth belong, to the next Gaol, there to be confined until the Fines as aforesaid, together with the Gaoler's Fees, are paid; and the respective Sheriffs of the respective Cities and Counties of the State, are hereby empowered and required to receive the Body or Bodies of such Offender or Offenders, as shall be brought to them by Virtue of a Warrant or Warrants under the Hand and Seal of such Officer as aforesaid, and him or them to keep in safe Custody, until such Fines as are mentioned in such Warrant, together with the Gaoler's Fees as aforesaid, shall be paid; and the Sheriffs and Gaolers respectively shall be allowed the same Fees as are allowed in other Cases. *Provided,* That in Case of a Military Guard, where a Captain doth not command in Person, a Warrant granted by an inferior Officer, who shall have the Command of such Guard, shall be of the same Authority against all Offenders, as if such Warrant had been issued by such Captain.

Penalty on non-commissioned Officers and Privates for neglecting or refusing to obey Orders.

On Non-Payment, the Offenders to be committed.

XVI. *And be it further Enacted by the Authority aforesaid,* That the Military Uniform of this State shall be as follows; *That is to say,*

Military Uniform.

General Officers. Dark blue Coats with buff Facings, Linings, Collars and Cuffs, and yellow Buttons, with buff Under-Clothes.

Regimental Officers of Infantry. Dark blue Coats with white Linings, Facings, Collars and Cuffs, and white Buttons, with white Under-Clothes.

Non-commissioned Officers and Privates of Infantry. Dark blue Coats with white Linings, Collars and Cuffs, and white Under-Clothes.

Staff Officers. Dark blue Coats with buff Collars and Linings, and yellow Buttons.

Provided, That none of the non-commissioned Officers and Privates of the Regiments of Militia, except those composing the Light-Infantry Companies directed to be formed by this Act, shall be obliged to appear in Uniform, in Manner aforesaid.

What Companies not obliged to appear in Uniform.

XVII. *And be it further Enacted by the Authority aforesaid,* That all Persons who have heretofore been commissioned Officers in the Line of the Army of the United States, shall be, and hereby are exempted from serving in the Militia of this State; any Thing in this Act to the Contrary hereof notwithstanding. *Provided nevertheless,* That if any such Officer, being above the Age of Sixteen, and not more than Forty-five Years, shall be commissioned in the Militia to a Rank equal to that which he held in the said Army, and shall refuse to accept such Commission, such Officer so refusing, shall be liable to serve in the Militia.

Former Continental Officers exempted from serving in the Militia. *See 10th Sess. Ch. 92. Sec. 8. 11th Sess. Ch. 95. Sec. 31.*

XVIII. *And be it further Enacted by the Authority aforesaid,* That the Commander in Chief shall, as soon as may be after the passing of this Act, take such

Commander in Chief to obtain the Age, Rank and Residence

A.D. 1786. Inde. U. S. X.

of former Militia Officers.

such Measures as to him shall seem proper, to obtain the Age, Rank and Residence of all Officers who heretofore have served in the Militia of this State, and the Number of Men between the Age of Sixteen and Forty-five, directed to be enrolled by this Act; and all executive Officers within this State are hereby strictly enjoined and required to carry into Execution such Directions relative to the Premises, as the Commander in Chief may, from Time to Time, give and enjoin.

Former Militia Acts repealed.

‡ 5th Sess. Ch. 27.

XIX. *And be it further Enacted by the Authority aforesaid*, That all other Laws of this State for regulating the Militia thereof, shall be, and hereby are repealed. *Provided always*, That the Act, entitled, ‡ *An* Act *to regulate the Militia*, passed the 4th of *April*, 1782, shall continue to be in full Force and Effect in the different Counties of this State, until the Militia of such Counties shall be arranged and officered agreeable to the Directions of this Law, and no longer.

CHAP. XXVI.

Obsolete.

An ACT *to enable the Mayor, Aldermen and Commonalty of the City of* New-York, *in Common Council convened, to order the raising Monies by Tax, for the Maintenance of the Poor, and other contingent Expences arising in the said City.*

Passed 4th April, 1786.

CHAP. XXVII.

An ACT *for the Relief of Creditors against Heirs, Devisees, Executors and Administrators, and for proving Wills respecting real Estates,*

Passed 4th April, 1786.

Creditors may maintain Actions upon simple Contracts or Specialties, against Heirs and Devisees.

BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That all and every Creditor, whether by simple Contract or Specialty, and whether the Heirs are mentioned therein or not, shall and may, by Virtue of this Act, have and maintain his, her and their Action and Actions, against the Heir and Heirs at Law of any Debtor who hath already died, or shall hereafter die intestate, seised of any Manors, Messuages, Lands, Tenements or Hereditaments, and against the Heir and Heirs at Law, and Devisee and Devisees of such Debtor, in Case such Debtor made any last Will and Testament; and such Heir and Heirs, Devisee and Devisees, shall be liable and chargeable for a false Plea, by him, her or them pleaded, in the same Manner as any Heir should have been for any false Plea by him pleaded, in any Action of Debt upon Specialty, or for not confessing the Lands or Tenements to him descended. And further, that all Creditors shall be preferred as in Actions against Executors and Administrators.

Heirs liable for the Value of Lands descended to them, after Alienations.

But Lands sold before Actions brought, not liable to Execution.

II. *And be it further Enacted by the Authority aforesaid*, That in all Cases where any Heir or Heirs at Law is, are or shall be liable to pay the Debt of his, her or their Ancestor, in Regard of any Lands, Tenements or Hereditaments, descending to him, her, or them, and shall sell, alien or make over the same, before any Action brought, or Process sued out against him, her or them; such Heir and Heirs at Law shall be answerable for such Debt, to the Value of the said Lands so by him, her or them sold, aliened or made over; in which Cases all Creditors shall be preferred as in Actions against Executors and Administrators; and such Execution shall be taken out upon any Judgment or Judgments so obtained against such Heir or Heirs, to the Value of the said Land, as if the same were his, her or their own proper Debt or Debts; but the Lands, Tenements and Hereditaments, *bona fide* aliened before the Action brought, shall not be liable to such Execution.

III. *Provided*

A. D. 1786.
Inde. U. S. X.

III. *Provided always, and be it further Enacted by the Authority aforeſaid,* That where any Action ſhall be brought againſt any Heir or Heirs, ſuch Heir and Heirs may plead *Reins per Deſcent* at the Time of the original Writ brought, or the Bill filed againſt him, her or them; any Thing herein contained to the Contrary notwithſtanding: And the Plaintiff in ſuch Action may reply, that ſuch Heir or Heirs had Lands, Tenements or Hereditaments from his, her or their Anceſtor, before the original Writ brought or Bill filed; and if upon Iſſue joined thereupon it be found for the Plaintiff, the Jury ſhall enquire of the Value of the Lands, Tenements or Hereditaments ſo deſcended, and thereupon Judgment ſhall be given and Execution awarded as aforeſaid: But if Judgment be given againſt ſuch Heir or Heirs, by Confeſſion of the Action, without confeſſing the Aſſets deſcended, or upon Demurrer, or *Nihil Dicit*, it ſhall be for the Debt and Damages, without any Writ, to enquire of the Lands, Tenements and Hereditaments ſo deſcended.

In any ſuch Action, Heirs may plead *Reins per Deſcent*;
And if upon Iſſue joined, the Jury find for the Plaintiff, they ſhall enquire of the Value of the Lands deſcended.
If Judgment be given by Confeſſion upon Demurrer or *Nihil Dicit*, it ſhall be for the Debt & Damages.

IV. *Provided alſo, and be it further Enacted by the Authority aforeſaid,* That all and every Deviſee and Deviſees made liable by this Act, ſhall be liable and chargeable in the ſame Manner as the Heir and Heirs at Law, by Force of this Act, notwithſtanding the Lands, Tenements and Hereditaments to him or them deviſed, ſhall be aliened before the Action brought, and ſhall and may, in all Caſes, plead the like Pleas, and be liable to the like Judgments and Executions as the Heir and Heirs at Law.

Deviſees made liable in the ſame Manner as Heirs at Law.

V. *And be it further Enacted by the Authority aforeſaid,* That no Lands or other real Eſtate of any Teſtator or Inteſtate, ſhall be ſold, or in any wiſe affected by Virtue of any Judgment or Execution againſt Executors or Adminiſtrators.

No real Eſtate to be ſold on a Judgment againſt Executors or Adminiſtrators.

VI. *And be it further Enacted by the Authority aforeſaid,* That when any Executor or Adminiſtrator, whoſe Teſtator or Inteſtate hath died ſeiſed, or ſhall die ſeiſed of any real Eſtate, ſhall diſcover or ſuſpect that the perſonal Eſtate of his, her or their Teſtator or Inteſtate, is inſufficient to pay his or her Debts, ſuch Executor or Adminiſtrator ſhall, as ſoon as conveniently may be, make a juſt and true Account of the ſaid perſonal Eſtate and Debts, as far as he or ſhe can diſcover the ſame, and deliver the ſaid Account to the Judge of the Court of Probates of this State for the Time being, and requeſt his Aid in the Premiſes: And the ſaid Judge ſhall thereupon make an Order, directing all Perſons intereſted in ſuch Eſtate to appear before him at a certain Day and Place, in the ſame Order to be ſpecified, not leſs than ſix Weeks nor more than ten Weeks after the Day of making ſuch Order, to ſhew Cauſe why ſo much of the real Eſtate whereof ſuch Teſtator or Inteſtate died ſeiſed, ſhould not be ſold, as will be ſufficient to pay his or her Debts; which Order ſhall immediately thereafter be publiſhed for four Weeks ſucceſſively in two or more of the public News-Papers printed in this State; and the Judge of the Court of Probates for the Time being ſhall, at the Time and Place ſpecified in ſuch Order, or at ſuch other Time and Place as he may then appoint, hear and examine the Allegations and Proofs of ſuch Executors or Adminiſtrators, and of all ſuch other Perſons intereſted in ſuch Eſtate, as ſhall think proper to make or offer any; and if upon due Examination the ſaid Judge ſhall find that the perſonal Eſtate of ſuch Teſtator or Inteſtate is not ſufficient to pay his or her Debts, the ſaid Judge ſhall order and direct the whole, if neceſſary, or if not, ſo much of the real Eſtate of ſuch Teſtator or Inteſtate then remaining unſold, to be ſold, as will pay his or her Debts; and when only a Part of the real Eſtate is ordered to be ſold, ſuch Order ſhall ſpecify the Amount ſo ordered to be ſold. *Provided always,* That where any Houſes and Lots are ſo circumſtanced that a Part thereof cannot be ſold without manifeſt Prejudice to the Heirs or Deviſees, the Judge of Probates,

Where perſonal Eſtate is inſufficient to pay Debts, the Executor or Adminiſtrator ſhall apply to the Judge of Probates;

Who ſhall thereupon make an Order, directing all Perſons intereſted to appear before him at a certain Time and Place.

Such Order to be publiſhed.

And if he ſhall find upon Examination, that the perſonal Eſtate is inſufficient to pay the Debts, he ſhall order ſo much of the real Eſtate to be ſold, as ſhall be neceſſary for that Purpoſe.

A.D. 1786. Inde. U. S. X.

at his Diſcretion, may order the whole, or a greater Part thereof than is neceſſary to pay ſuch Debt or Debts, to be ſold, and to diſtribute the overplus Money ariſing from ſuch Sale, to and among the Heirs and Deviſees, as the Caſe may be.

By whom ſuch Sales and Conveyances ſhall be made.

VII. *And be it further Enacted by the Authority aforeſaid*, That all Sales of any real Eſtate, to be made by Order of the Judge of the Court of Probates, ſhall be made, and Conveyances for the ſame executed by the Executors or Adminiſtrators applying for ſuch Order, and ſuch other Perſon or Perſons as the ſaid Judge may think proper to appoint; and the Conveyances for the ſame ſhall ſet forth ſuch Order at large, and ſhall be good, valid and effectual againſt the Heirs and Deviſees of ſuch Teſtator or Inteſtate, and all claiming by, from or under them, or any of them.

Where only *Part* of the real Eſtate is ſold, the Monies to be paid to the Executors or Adminiſtrators, and to be Aſſets in their Hands.

But where the whole Eſtate is ſold, the Monies to be brought into Court, and divided among the Creditors.

Judge to give Notice of ſuch Diſtribution.

No real Eſtate to be ſold until the perſonal Eſtate is applied towards the Payment of Debts.

This Act not to prevent Suits againſt Executors or Adminiſtrators.

VIII. *And be it further Enacted by the Authority aforeſaid*, That where only a Part of the real Eſtate is ordered to be ſold as aforeſaid, the Monies ariſing by ſuch Sale or Sales, ſhall be received by the Executors or Adminiſtrators applying for ſuch Order, and ſhall be conſidered as Aſſets in their Hands, for the Payment of Debts; but where the whole real Eſtate is ordered to be ſold, the Monies ariſing thereby ſhall be brought into the ſaid Court of Probates; and if the ſame, after deducting all Charges and Expences, ſhall not be ſufficient to pay all the Debts of the Teſtator or Inteſtate, the ſaid Judge ſhall cauſe the ſame, after deducting all Charges and Expences, to be divided among the Creditors, in Proportion to their reſpective Debts, without giving any Preference to Bonds, or other Specialties. *Provided always*, That before the Judge of the Court of Probates makes any ſuch Diſtribution, he ſhall cauſe at leaſt three Months Notice of the Time and Place of making the ſame to be given, by advertiſing the ſame in two or more of the public News-Papers printed in this State, for ſix Weeks ſucceſſively. *Provided always*, That no Part of the real Eſtate of any Teſtator or Inteſtate, ſhall be ordered to be ſold as aforeſaid, until the Executors or Adminiſtrators ſhall have applied the perſonal Eſtate, or ſuch Part thereof as may have come to their Hands, towards Payment of the Debts of ſuch Teſtator or Inteſtate. And no more of the real Eſtate ſhall be ſold in any Caſe, than may be neceſſary to pay the Reſidue of the ſaid Debts. *Provided alſo*, That nothing herein contained ſhall be conſtrued to prevent or bar any Perſon from bringing or maintaining any Suit or Action againſt any Executor or Adminiſtrator, for or in Reſpect of the perſonal Eſtate of his or her Teſtator or Inteſtate, or for, or in Reſpect of any Waſte or Miſapplication thereof by ſuch Executor or Adminiſtrator.

Wills of real Eſtates to be proved and recorded in the Courts of Common Pleas where ſuch Eſtates lie.

If ſuch real Eſtate is ſituated in ſeveral Counties, then ſuch Will to be proved and recorded in the Supreme Court.

IX. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where any real Eſtate is or ſhall be deviſed by any laſt Will or Teſtament, it ſhall be lawful for the Executors, or any other Perſons intereſted in ſuch real Eſtate, if they, or any of them ſhall think proper, to cauſe ſuch laſt Will and Teſtament to be brought before the Inferior Court of Common Pleas, held in and for the County where ſuch real Eſtate is or ſhall be ſituated; and the ſaid Inferior Court ſhall cauſe the Witneſſes to ſuch laſt Will and Teſtament, to be examined before the ſame Court, in open Court; which Examinations ſhall be reduced to Writing; and if it ſhall appear to the ſame Court, that ſuch laſt Will and Teſtament was duly executed according to Law, and that the Perſon who executed the ſame, was, at the Time of executing the ſame, of full Age, and of ſound Mind and Memory, and not under any Reſtraint, then the ſaid Court ſhall order and direct the Clerk of the ſame Court to record ſuch laſt Will and Teſtament, together with the Proof thereof ſo taken in the ſaid Court, in a Book to be provided by the ſaid Clerk for that Purpoſe. *And further*, That if the Lands or real Eſtate ſo deviſed,

A. D. 1786. Inde. U. S. X.

deviſed, are or ſhall be ſituated in ſeveral Counties, then ſuch laſt Will and Teſtament ſhall be proved in Manner aforeſaid, before the Supreme Court, and recorded as aforeſaid by the Clerk of the ſame Supreme Court.

Notice thereof to be given to the Heirs, before the Witneſſes are examined.

X. *And be it further Enacted by the Authority aforeſaid*, That neither the Supreme Court nor any of the ſaid Inferior Courts, ſhall proceed to examine the Witneſſes to the Execution of any laſt Will and Teſtament, unleſs it ſhall appear or be proved to ſuch Court, that due Notice of ſuch Intention had been given to the Heir or Heirs of the Teſtator; or if ſuch Heir or Heirs are not to be found within this State, fixed up at the laſt Place of Abode of ſuch Teſtator, at leaſt fifteen Days before ſuch Examination.

Courts may compel the Appearance of Witneſſes.

XI. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Courts, and for each and every of the Judges of the ſaid Courts, to cauſe the Witneſſes to all ſuch laſt Wills and Teſtaments, and all ſuch other Witneſſes as any Perſon intereſted may deſire to be ſummoned, to appear before ſuch Court, to teſtify what they ſhall know concerning the Premiſes; and if any ſuch Witneſs ſhall neglect or refuſe to appear, the ſaid Court ſhall and may cauſe ſuch Witneſs to be brought before the ſame Court, to be examined as a Witneſs, touching the Premiſes.

The original Will to be returned, if deſired.

XII. *And be it further Enacted by the Authority aforeſaid*, That every Perſon, in whoſe Cuſtody or Power any ſuch laſt Will and Teſtament is or ſhall be, ſhall, upon Requeſt, produce the ſame before ſuch Court as he or ſhe may be required, for the Purpoſe aforeſaid, and when the ſame ſhall be proved and recorded as aforeſaid, the Original ſhall be returned to the Perſon who brought it to the ſaid Court, if ſuch Perſon deſire it. *And further*, That if any Perſon in whoſe Cuſtody or Power any laſt Will or Teſtament is or ſhall be, ſhall refuſe to produce and deliver the ſame, then the ſaid Court, before which ſuch Perſon ought to produce the ſame, ſhall and may commit ſuch Perſon to the common Gaol, there to remain without Bail or Mainpriſe, until he or ſhe ſhall produce and deliver ſuch laſt Will and Teſtament to the ſame Court, or to one of the Judges thereof.

Court may compel any Perſon in who Cuſtody any Will may be, to produce it.

Records of Wills ſo proved, effectual.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the Records of the ſaid Wills ſo proved and recorded as aforeſaid, ſhall be as good and effectual in all Caſes, as the original Wills would be, if produced and proved.

Expences of proving and recording, to be paid by the Perſon applying.

XIV. *And be it further Enacted by the Authority aforeſaid*, That the Expence of proving and recording the ſaid Wills, ſhall be paid by the Perſon applying to have the ſame done, and the Witneſſes and Officers ſhall have the like Fees for Attendance and Services in Virtue of this Act, as they are entitled to for the like Attendance and Services in other Caſes.

Fees of the Judge of the Court of Probates.

XV. *And be it further Enacted by the Authority aforeſaid*, That the Judge of the Court of Probates ſhall have and take for the Services to be by him performed by Virtue of this Act, the following Fees, *to wit*; For filing every Petition, *One Shilling;* for making and entering every Order, *Six Shillings;* for every Citation, under Seal, to Witneſſes, or for any other Purpoſes, *Six Shillings;* for every Sentence, or Decree, *Thirty Shillings;* for receiving and paying out all Monies which may come into his Hands in Conſequence of any Sale by Order of the ſaid Court, a Commiſſion of three per Cent. for Copies of all Records and Proceedings, when required, for each Sheet conſiſting of One Hundred and Twenty-eight Words, *One Shilling* and *Six-pence*.

CHAP.

A. D. 1786. Inde. U. S. X.

CHAP. XXVIII.

An ACT *to divide the County of* Albany *into two Counties.*

Paſſed 4th April, 1786.

[*By this Act, Part of the then County of* Albany, *is erected into a new County, by the Name of* Columbia: *But the Act, except Part of the 12th Section, is obſolete.*]

Columbia to elect three Members of Aſſembly;

XII. AND *be it further Enacted by the Authority aforeſaid*, That the next enſuing Election for Governor, Lieutenant-Governor and Members for Senate and Aſſembly, ſhall be held on the ſame Day, and in the ſame Manner as tho' this Act had not paſſed; and that it ſhall and may be lawful for the Freeholders and Inhabitants of the ſaid County of *Columbia*, yearly thereafter, to elect three Members to repreſent the ſame County in Aſſembly: And that the Remainder of the ſaid County of *Albany*, ſhall remain and continue a ſeparate County, by the Name of the County of *Albany*; and that it ſhall be lawful for the Freeholders and Inhabitants of the ſame County of *Albany*, yearly to elect ſeven Members and no more, to repreſent the ſaid County of *Albany* in Aſſembly; and that the ſaid County of *Columbia* ſhall remain Part of the Weſtern Diſtrict of this State.

And *Albany* ſeven, and no more.

Columbia Part of the Weſtern Diſtrict.

CHAP. XXIX.

An ACT *to repeal certain Acts reſpecting Attornies, Solicitors and Counſellors at Law; and alſo Part of the Act, entitled, An* Act *for the Regulation of Sales by public Auction.*

Paſſed 6th April, 1786.

Acts ſuſpending the Licence of Attornies, Solicitors and Counſellors at Law, repealed.

† 3*d Seſſ. Ch.* 12.

‡ 5*th Seſſ. Ch.* 13.

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Act, entitled, † *An* Act *making it neceſſary for the Attornies, Solicitors and Counſellors at Law, who have been licenced to plead or practiſe in any of the Courts of Law or Equity within the late Colony of* New-York, *to produce Certificates of their Attachment to the Liberties and Independence of* America; and the Act, entitled, ‡ *An* Act *to amend an Act paſſed the Ninth Day of* October, *One Thouſand Seven Hundred and Seventy-nine, relative to Attornies, Solicitors and Counſellors at Law;* ſhall be, and the ſame are hereby reſpectively repealed. *Provided always*, That every Attorney, Solicitor or Counſellor, the Suſpenſion of whoſe Licence is hereby taken off, ſhall previous to his being admitted to practice, prove to the Satisfaction of the Court of which he ſhall be admitted Attorney, Solicitor or Counſellor, that he is of good moral Character, ſhall be licenced by ſuch Court, and ſhall take the Oath of Abjuration and Allegiance, and an Oath for the faithful Execution of his Office.

Every Attorney, Solicitor or Counſeller ſhall, before Admiſſion, prove that he is of good moral Character.

‖ 7*th Seſſ. Ch.* 4. *Sec.* 3. Part of the Act for regulating Sales by public Auction, repealed.

II. *And be it further Enacted by the Authority aforeſaid*, That ſo much of the Act, entitled, ‖ *An* Act *for the Regulation of Sales by public Auction*, as requires a Perſon who ſhall make Application for Licence to act as a Vendue-Maſter, to produce a certain Certificate in and by the ſaid Act deſcribed, previous to the obtaining ſuch Licence, ſhall be, and the ſame is hereby repealed.

CHAP. XXX.

Repealed, 10*th Seſſ. Ch.* 10. *Sec.* 11.

An ACT *reſpecting the Terms of the Courts in the Counties of* Queen's, Ulſter, Orange, Richmond *and* Weſtcheſter.

Paſſed 6th April, 1786.

CHAP.

CHAP. XXXI.

A. D. 1786.
Inde. U. S. X.

An ACT *for compleating the Court-House and Gaol in the County of* Dutchess.
Passed 6th April, 1786.

Obsolete.

CHAP. XXXII.

An ACT *to enforce the Payment of certain Monies assessed in* Suffolk *County.*
Passed 8th April, 1786.

Obsolete.

CHAP. XXXIII.

An ACT *to compel Collectors and Constables to give Security.*
Passed 13th April, 1786.

Repealed, 11th Sess. Ch. 73. Sec. 2.

CHAP. XXXIV.

An ACT *for the Relief of Insolvent Debtors.*
Passed 13th April, 1786.

Amended, 10th Sess. Ch. 67.
Repealed, 11th Sess. Ch. 29.

CHAP. XXXV.

An ACT *for revising and digesting the Laws of this State.*
Passed 15th April, 1786.

Preamble.

WHEREAS by the Constitution of this State it is declared, That such Parts of the Common Law of *England*, and of the Statute Law of *England* and *Great-Britain*, and of the Acts of the Legislature of the Colony of *New-York*, as together did form the Law of the said Colony, on the Nineteenth Day of *April*, in the Year of our Lord One Thousand Seven Hundred and Seventy-five (except such Parts thereof as are by the said Constitution abrogated) shall be and continue the Law of this State, subject to such Alterations and Provisions as the Legislature of this State shall, from Time to Time make, concerning the same. *And whereas* such of the said Statutes as have been generally supposed to extend to the late Colony, and to this State, are contained in a great Number of Volumes; and those Statutes, as well as the Acts of the Legislature of the late Colony, are conceived in a Stile and Language improper to appear in the Statute Books of this State: Therefore,

Samuel Jones and *Richard Varick* to collect and reduce the *British* Statutes,

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That *Samuel Jones* and *Richard Varick*, Esquires, shall be, and hereby are authorised and appointed to collect, and reduce into proper Form, under certain Heads or Titles of Bills, all the said Statutes, and lay the same Bills before the Legislature of this State, from Time to Time, as they shall prepare the same; and that they, the said *Samuel Jones* and *Richard Varick*, Esquires, also collect and reduce all the public Acts of the late Colony which yet remain in Force, into proper Form, under certain Heads or Titles of Bills, and lay the same Bills before the Legislature from Time to Time, as they shall prepare the same; that such of them as shall be approved of by the Legislature may be enacted into Laws of this State; to the Intent that when the same shall be completed, then, and from thenceforth, none of the Statutes of *England*, or of *Great-Britain*, shall operate, or be considered as Laws of this State.

And also the public Acts of the late Colony now in Force, into the Form of Bills, and lay them before the Legislature.

When finished, said *Jones* and *Varick* to revise the State Laws, and prepare them for the Press, and cause them to be printed.

II. *And be it further Enacted by the Authority aforesaid*, That when all such of the said Statutes so to be collected and reduced into proper Forms, as shall be enacted into Laws of this State; and all such Acts of the late Colony as shall, by the Legislature, be deemed proper, and shall be so enacted as aforesaid; then

A. D. 1786. Index. U. S. X.

then the ſaid *Samuel Jones* and *Richard Varick*, Eſquires, ſhall collect, reviſe and digeſt all the Laws of this State then in Force, paſſed by the Legiſlature thereof ſince the Revolution, and prepare the ſame for the Preſs, to be printed in ſo many Volumes as the ſaid *Samuel Jones* and *Richard Varick*, Eſquires, ſhall deem proper; and they are hereby directed to cauſe to be inſerted in the ſaid Work, the Titles of all Acts that ſhall have been paſſed by the Legiſlature of this State, and to diſtribute each Act into one Chapter, and to ſubdivide each Act into Sections, and abſtract the Subſtance of each Section on the Margin, and diſtinguiſh and note in the Margin, which of the ſaid Acts were temporary, and whether expired, revived or repealed, and when; and to examine and correct the Preſs; and to make an Index and Table to each Volume of all the principal Matters contained therein, alphabetically digeſted, with Reference to each Matter in every Act, Section, and Page; and to make References from one Act to another, where the Matter in one Act may have Relation to any principal Matter in another.

The Titles only of Acts not in Force, to be printed.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid *Samuel Jones* and *Richard Varick*, Eſquires, to cauſe only the Titles of ſuch Acts as ſhall not then be in Force, to be printed, noting on the Margin when ſuch Act expired, or was repealed.

Time allowed to complete the Work.

Their Salary.

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid *Samuel Jones* and *Richard Varick*, Eſquires, ſhall be, and they hereby are allowed the Space of two Years to complete the ſaid Work; and ſhall reſpectively be allowed for the ſame, at and after the Rate of *Four Hundred Pounds* for every Year.

Three Hundred Copies to be printed and delivered to the Treaſurer.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid *Samuel Jones* and *Richard Varick*, Eſquires, and they are hereby authoriſed to cauſe the ſaid Work to be printed on the beſt Paper, in large Folio, and with the uſual Types for ſuch Work; and to agree with a Printer to do the ſaid Work on ſuch Terms, and for ſuch Conſideration, as they may think fit. *And further*, That ſuch Printer ſhall deliver at leaſt Three Hundred Copies of the ſaid Work, completely bound in Calfſkin, to the Treaſurer of this State, to be by him retained, ſubject to the future Order of the Legiſlature.

Printer how and when to be paid.

VI. *And be it further Enacted by the Authority aforeſaid*, That when ſuch Printer ſhall produce to the Treaſurer of this State, a Certificate from the ſaid *Samuel Jones* and *Richard Varick*, Eſquires, certifying that the Work undertaken by the ſaid Printer, is faithfully performed, according to the Agreement made with ſuch Printer, and ſpecifying the Sum due to ſuch Printer, according to ſuch Agreement, it ſhall and may be lawful to and for the Treaſurer of this State, to pay ſuch Printer ſuch Sum ſo due for the ſaid Work, out of any Monies in the Treaſury, not otherwiſe ſpecially appropriated.

Said *Jones* & *Varick* to have free Acceſs to all public Records.

VII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid *Samuel Jones* and *Richard Varick*, Eſquires, ſhall and may, from Time to Time, have Acceſs to, and be permitted to examine any of the Records, Books, or Papers, in any of the public Offices of this State, without Fee or Reward.

CHAP. XXXVI.

Obſolete.

An ACT *to alter the Mode of making Aſſeſſments in* Dutcheſs *County*.

Paſſed 15th April, 1786.

CHAP.

CHAP. XXXVII.

A. D. 1786.
Inde. *U. S.* X.

An ACT *for the Relief of* Henry Rutgers *and others.*
Passed 15th April, 1786.

Private.

CHAP. XXXVIII.

An ACT *to explain and amend an Act, entitled,* ‡ *An* Act *to settle and finally establish the Line or Lines of Division between the Patents of* Wawayanda *and* Cheescocks, *in the County of* Orange, *passed the* 17*th* March, 1783.
Passed 17th April, 1786.

Private.
‡ *6th Sess. Ch.* 29.

CHAP. XXXIX.

An ACT *to prevent the Destruction of Fish in the County of* Suffolk.
Passed 17th April, 1786.

Repealed, 11th Sess. Ch. 27.

CHAP. XL.

An ACT *for emitting the Sum of* Two Hundred Thousand Pounds *in Bills of Credit, for the Purposes therein mentioned.*
Became a Law 18th April, 1786.

New Bills emitted at a Substitute for those emitted by this Act, 11th Sess. Ch. 30.

WHEREAS from the Distresses occasioned by the late calamitous War, the Inhabitants of this State labour under great Difficulties for Want of a sufficient circulating Medium:

Preamble.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That Bills of Credit, to the Value of *Two Hundred Thousand Pounds*, current Money of *New-York*, forthwith after the passing hereof, be printed, as follows, (*viz.*) Six Thousand Bills, each of the Value of *Ten Pounds;* Four Thousand Bills, each of the Value of *Five Pounds;* Six Thousand Bills, each of the Value of *Four Pounds;* Ten Thousand Bills, each of the Value of *Three Pounds;* Ten Thousand Bills, each of the Value of *Two Pounds;* Twenty-four Thousand Bills, each of the Value of *One Pound;* Twenty Thousand Bills, each of the Value of *Ten Shillings;* and Forty-eight Thousand Bills, each of the Value of *Five Shillings:* Upon which Bills shall be impressed the Arms of the State of *New-York*, on the right Side of every of the said Bills; and the said Bills shall be in the Words following:

200,000l. in Bills of Credit to be printed.

BY *a Law of the State of* New-York, *this Bill shall be received in all Payments into the Treasury, for* New-York, *the Day of One Thousand Seven Hundred and Eighty-six.*

Form of the Bills.

WHICH Bills shall be numbered by *Evert Bancker, Henry Remsen, Jonathan Lawrence, John De Peyster* and *William Heyer*, and signed by any two of them, and shall, by such Signers, be delivered to the Treasurer of this State.

By whom to be numbered and signed.

II. *And be it further Enacted by the Authority aforesaid,* That the said Signers are hereby directed and empowered, upon the Delivery to them of the said Bills, by the Printer thereof, to administer to him, and he is hereby directed to take an Oath in the Words following:

I *do solemnly swear and declare, That from the Time the Letters were set and fit to be put in the Press, for printing the Bills of Credit now delivered by me to you, until the Bills were printed, and the Letters afterwards distributed into the Boxes, I went at no Time out of the Room in which the said Letters were, without locking them up, so as they could not be come at without Violence, a false Key, or other Art unknown to me; and therefore, to the Best of my Knowledge, no Copies*

The Printer's Oath.

A.D. 1786. Inde. U. S. X.

Copies were printed off but in my Preſence; and that all the Blotters, and other Papers whatſoever, impreſſed by the ſaid Letters, whilſt ſet for printing the ſaid Bills, to the Beſt of my Knowledge, are here delivered to you, together with the Stamps; and in all Things relating to this Affair, I have well and truly demeaned myſelf, according to the true Intent and Meaning of the Law in that Caſe made and provided, to the Beſt of my Knowledge and Underſtanding. SO HELP ME GOD.

A Copy thereof to be delivered him.

WHICH Printer ſhall have a Copy of this Oath, at the Time he gets Orders to print the ſaid Bills, that he may govern himſelf accordingly. *Provided always*, That if any unforeſeen Accident happens, ſuch Printer may have Liberty to make an Exception thereof in ſuch Oath, declaring fully how ſuch Accident happened. And if any more of the ſaid Bills are printed than by this Act is directed, when the ſaid *Evert Bancker*, *Henry Remſen*, *Jonathan Lawrence*, *John De Peyſter* and *William Heyer*, or any two of them, have ſigned the Number hereby directed to be iſſued, they ſhall immediately deſtroy all the Remainder.

If any more Bills are printed than neceſſary, the Signers to deſtroy the Surplus.

Stamps to be engraved.

III. *And be it Enacted by the Authority aforeſaid*, That ſuch Perſon as the major Part of the ſaid Signers of the ſaid Bills of Credit ſhall agree with, ſhall engrave, according to the Directions he ſhall receive from the Majority of the ſaid Signers, ſo many Stamps for the Sides of the ſaid Bills, and for the Arms of this State, as the Majority of the ſaid Signers ſhall deem neceſſary, and ſhall deliver them to the Treaſurer, who ſhall, in the Preſence of the Majority of the ſaid Signers, deliver them unto *Samuel Loudon*, Printer, and take his Receipt for the ſame: And when the ſaid *Samuel Loudon* has

How the ſame are to be diſpoſed of.

finiſhed and completed printing the Bills hereby directed to be ſtruck and iſſued, he ſhall re-deliver the ſaid Stamps to the ſaid Signers, who are hereby directed and required to ſeal them up with their ſeveral Seals, and to deliver them to the Treaſurer, who ſhall depoſit the ſame in the Treaſury of this State, there to remain until they ſhall be ordered to be made Uſe of by any future Act of the Legiſlature; and the Receipt of the ſaid Treaſurer to the ſaid Signers, ſhall be a ſufficient Diſcharge for ſuch Delivery; but in Caſe of the Death, Sickneſs or Inability of the ſaid *Samuel Loudon*, to print the ſaid Bills,

Signers, in certain Caſes, may appoint another Printer.

then the Majority of the ſaid Signers ſhall appoint another Printer for the Service aforeſaid, in his Place; which Printer, ſo appointed, ſhall take the Oath as above directed.

The Signer's Oath.

IV. *And be it Enacted by the Authority aforeſaid*, That before the ſaid Signers do receive any of the ſaid Bills, they ſhall (before any of the Magiſtrates of the City of *New-York*) reſpectively take an Oath, or (if of the People called *Quakers*) Affirmation, well and truly to perform what by this Act they are enjoined as their Duty; and that they will not knowingly ſign more Bills of Credit than ſuch as are directed by this Act.

The Treaſurer to deliver the Quotas to Loan-Officers of,

V. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Treaſurer ſhall, out of the Bills of Credit ſo ſigned and numbered as aforeſaid, deliver to the Loan-Officers herein after mentioned, on producing the Certificates of Qualifications herein after directed, the Sums and Quotas following; *to wit*:

New-York. To the Loan-Officers of the County of *New-York*, to and for the Purpoſes herein after mentioned, the Sum of *Thirty-two Thouſand Pounds*.

Albany. *See 9th Seſſ. Ch. 64.* To the Loan-Officers of the County of *Albany*, to and for the Purpoſes herein after mentioned, the Sum of *Twenty-two Thouſand Pounds*.

King's. To the Loan-Officers of *King*'s County, to and for the Purpoſes herein after mentioned, the Sum of *Four Thouſand Five Hundred Pounds*.

To

To the Loan-Officers of *Queen's* County, to and for the Purpoſes herein after mentioned, the Sum of *Eleven Thouſand Five Hundred Pounds.* *Queen's.*

To the Loan-Officers of *Suffolk* County, to and for the Purpoſes herein after mentioned, the Sum of *Ten Thouſand Pounds.* *Suffolk.*

To the Loan-Officers of *Richmond* County, to and for the Purpoſes herein after mentioned, the Sum of *Four Thouſand Five Hundred Pounds.* *Richmond.*

To the Loan-Officers of *Weſtcheſter* County, to and for the Purpoſes herein after mentioned, the Sum of *Nine Thouſand Five Hundred Pounds.* *Weſtcheſter.*

To the Loan-Officers of *Dutcheſs* County, to and for the Purpoſes herein after mentioned, the Sum of *Seventeen Thouſand Pounds.* *Dutcheſs.*

To the Loan-Officers of *Orange* County, to and for the Purpoſes herein after mentioned, the Sum of *Ten Thouſand Pounds.* *Orange.*

To the Loan-Officers of *Ulſter* County, to and for the Purpoſes herein after mentioned, the Sum of *Fourteen Thouſand Pounds.* *Ulſter.*

To the Loan-Officers of *Montgomery* County, to and for the Purpoſes herein after mentioned, the Sum of *Twelve Thouſand Pounds.* *Montgomery.*

To the Loan-Officers of the County of *Waſhington*, to and for the Purpoſes herein after mentioned, the Sum of *Three Thouſand Pounds.* *Waſhington.*

FOR which reſpective Sums the ſaid Loan-Officers reſpectively ſhall give Receipts to the ſaid Treaſurer, indorſed on the Clerk's Certificate herein after directed; which Receipts ſhall be to the ſaid Treaſurer, his Executors and Adminiſtrators, a ſufficient Diſcharge, if otherwiſe he has well and truly performed the Duty enjoined by this Act. Loan-Officers to give Receipts to the Treaſurer.

VI. *And be it further Enacted by the Authority aforeſaid*, That before the ſaid Loan-Officers do reſpectively enter upon their ſaid Office, every of them ſhall give Bond to the People of the State of *New-York*, with ſuch ſufficient Security as ſhall be approved of by one or more of the Judges of the Inferior Court of the County, together with a Majority of the Superviſors of the ſame County, and in the City of *New-York*, by any one or more of the Judges of the Supreme Court, ſignified by ſigning ſuch his or their Approbation on the Back of the ſaid Bond, which Bond ſhall be in the full Sum by this Act committed to his Charge, with Condition for the true and faithful Performance of his Office and Duty, and that without Favour, Malice or Partiality. Loan-Officers to give Security.

VII. *And be it further Enacted by the Authority aforeſaid*, That each Loan-Officer reſpectively ſhall take the following Oath, or if of the People called Quakers, Affirmation, (*viz.*) Loan-Officers to take an Oath.

I *will, according to the Beſt of my Skill and Knowledge, faithfully, impartially and truly demean myſelf, in Diſcharge of the Truſt committed to me as one of the Loan-Officers for the of by the Act, entitled,* An *Act* for emitting the Sum of *Two Hundred Thouſand Pounds* in Bills of Credit, for the Purpoſes therein mentioned, *according to the Purport, true Intent and Meaning of the ſaid Act, ſo as the Public may not be prejudiced by my Conſent, Privity or Procurement.* Form of Oath.

WHICH Oath or Affirmation ſhall be adminiſtered by any Juſtice of the Peace, and indorſed on the Back of the ſaid Bond, and ſigned by ſuch Juſtice and the Loan-Officer.

VIII. *And be it further Enacted by the Authority aforeſaid*, That the aforeſaid Bond, indorſed with the Approbation and Affidavit or Affirmation aforeſaid, ſhall Loan-Officers Bonds ſo indorſed, to be

A. D. 1786. Inde. U. S. X.

lodged with and recorded by the Clerk of the County.

ſhall be lodged with the Clerk of the County, who, upon Receipt thereof, ſhall give the Loan-Officer a Certificate that ſuch Bond, indorſed as aforeſaid, is lodged with him; which Certificate ſhall be delivered to the ſaid Treaſurer, on his delivering to the Loan-Officer the Bills of Credit aforeſaid: Which Bond and Indorſements ſhall be recorded by the Clerk; and in Caſe of the Forfeiture of the ſame Bond, the Majority of the Supervifors, with any one or more of the Judges of the Inferior Court of ſuch County, are hereby empowered to order the ſame to be put in Suit, and the Monies recovered by Virtue thereof, ſhall be applied to the Uſe of the County.

The Time and Mode of electing the Loan-Officers. *See 9th Seſſ. Ch.* 64.

IX. *And be it further Enacted by the Authority aforeſaid*, That on the ſecond Tueſday in *May* next, the Judges of the Inferior Courts, or any one or more of them, together with the Supervifors (or the Majority of them) of the ſeveral Counties reſpectively of this State, ſhall meet at the Court-Houſe of the Counties reſpectively, or if there be no Court-Houſe in any County, at the Place at which the Inferior Court of Common Pleas has been held the Term next preceding the paſſing this Act; at which Place the Majority of them ſhall elect two ſufficient Freeholders of their reſpective Counties, to be Loan-Officers for the ſame County, except in the County of *Orange*, in which County ſuch Meeting ſhall be at the Court-Houſe in the *New-City*.

Loan-Officers to be Bodies Politic and Corporate.

Their Powers.

X. *And be it further Enacted by the Authority aforeſaid*, That the Loan-Officers of the ſeveral Counties, when elected, appointed and qualified according to the Directions of this Act, ſhall reſpectively be Bodies Politic and Corporate, in Fact and in Law, by the Name and Stile of the Loan-Officers of the County of which they are reſpectively Loan-Officers, with full Power to every the ſaid Bodies Politic, to uſe a common Seal, and by the ſame Seal and in the Name of ſuch Body Politic, to grant Receipts, receive Mortgages, and again to grant the ſame, to ſue and be ſued, and generally with all ſuch Powers as are neceſſary to be uſed for the due Execution of the Truſt repoſed in the ſaid Loan-Officers by this Act; any Law, Uſage or Cuſtom to the Contrary in any wiſe notwithſtanding.

Loan-Officers receiving the Bills, to let them out on Loan.

Notice to be given when Borrowers are to apply.

Preference to be given to Priority of Application.

XI. *And be it further Enacted by the Authority aforeſaid*, That when the ſaid Loan-Officers reſpectively have qualified themſelves, as by this Act is directed, they ſhall receive the ſaid Bills of Credit, ſigned by two of the ſaid Signers; which Bills of Credit, ſo ſigned, ſhall be let out to ſuch as ſhall apply for the ſame, and can and will give Security to the ſaid Loan-Officers by Mortgage on Lands, Lots or Houſes lying in the ſame County; they the ſaid Loan-Officers firſt giving public Notice (as in other Caſes is by this Act directed for Notices) and by Advertiſement, to be publiſhed in one of the News-Papers printed in this State, that on a certain Day, at leaſt ten Days after the ſaid Notice given, they will be ready to receive Borrowers, qualified according to the Directions of this Act: And as on that Day Borrowers do offer, their Names and Sums they apply for ſhall be orderly entered in the Minute-Book of Proceedings; and every one ſhall be ſerved according to the Priority of Application, if there be no reaſonable Objections againſt the Title and Value of the Lands offered to be mortgaged, or ſome other ſufficient Reaſon, which ſhall be entered alſo in the Minute-Book of Proceedings. *Provided always*, That if, upon the firſt Day, ſo many Borrowers do offer, as to apply for a greater Sum than the whole Sum in that County to be lent out; then, and in ſuch Caſe, every ſuch Borrower ſhall be abated of the Sum applied for proportionably.

Loan-Officers to aſcertain the Value of Lands offered in Mortgage,

XII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Loan-Officers reſpectively, before they accept of any Lands, Lots or Houſes in Mortgage for any of the ſaid Bills, ſhall firſt view what is ſo offered in Mortgage,

Mortgage, or make due Enquiry reſpecting the Value thereof, and ſhall examine the Titles thereto, by peruſing the Deeds, Patents, Surveys and other Writings and Conveyances by which the ſame are held, and by which the Value and Quantity may be better known; and the ſaid Loan-Officers reſpectively are hereby empowered and required to adminiſter to all Perſons applying for any of the Bills as aforeſaid, the following Oath, or (if of the People called Quakers) Affirmation; *to wit:*

And to adminiſter an Oath to Borrowers.

I *am* bona fide, *ſeiſed in Fee Simple, of the Lands, Tenements and Hereditaments by me now offered to be mortgaged, in my own Right, and to my own Uſe, and the ſame were not conveyed to me in Truſt, to borrow any Sum or Sums of Money upon the ſame, for the Uſe of any other Perſon or Perſons whatſoever; and the ſaid Premiſes are free and clear from any other or former Gift, Grant, Sale, Mortgage, Judgment, Extent, Recognizance, or other Incumbrance whatſoever, to my Knowledge.*

Form of Oath.

XIII. *And be it further Enacted by the Authority aforeſaid,* That the Loan-Officers of the ſaid Counties reſpectively, upon finding Borrowers qualified, and the Loan-Officers being ſatisfied as aforeſaid, are hereby required, and by Virtue of this Act have full Power to lend out the Bills delivered to them as aforeſaid, at the Intereſt of *Five per Cent. per Annum*, for the Term of Fourteen Years from the third Tueſday in *June* next to come, in Sums not exceeding *Three Hundred*, and not under *Twenty Pounds*, (unleſs the Proportion as aforeſaid be leſs) to any one Perſon, the ſaid Loan-Officers taking Security for the ſame by Way of Mortgage as aforeſaid, of at leaſt double the Value in Lands, Tenements and Hereditaments, and of at leaſt three Times the Value in Houſes within the ſaid reſpective Counties, and adminiſtring an Oath or Affirmation to the Borrower as aforeſaid; and the ſaid Mortgage ſhall be executed before two or more Witneſſes ſigning thereto, and the Subſtance thereof ſhall be minuted in a Book to be by the ſaid Loan-Officers kept for that Purpoſe, in each reſpective County; for the making of which Mortgage and Minute the Borrower ſhall pay to the ſaid Loan-Officers the Sum of *Four Shillings*, and no more; which Mortgage and Minute ſhall be, and each of them are hereby declared to be Matter of Record, and an atteſted Copy of the ſaid Mortgage, if in Being, or of the ſaid Minute, in Caſe the ſaid Mortgage is loſt, under the Hands of the ſaid Loan-Officers, and the Seal of the Loan-Office, ſhall be good Evidence of the ſaid Mortgage, in any Court within this State.

Money to be lent at *Five per Cent. per Annum*, for 14 Years, after 3d Tueſday in *June*, 1786.

In Sums not exceeding 300l. nor leſs than 20l.

Security in Lands to be double, and in Houſes treble the Value.

Mortgages how to be executed.

Mortgage and Minute thereof, to be Matter of Record.

Office Copy to be Evidence in any Court.

XIV. *And be it further Enacted by the Authority aforeſaid,* That the Intereſt of the Money lent out as aforeſaid, ſhall be payable yearly, on the Third Tueſday of *June*, to the Loan-Officers; and the Principals of all the Monies lent out as aforeſaid, ſhall be paid in again in the following Manner; *That is to ſay*, One Tenth Part of the Principal Money on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-one; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-two; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-three; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-four; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-five; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-ſix; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and

Intereſt payable yearly.

How the Principal ſhall be paid.

A. D. 1786. Inde. *U. S.* X.

and Ninety-ſeven; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-eight; one other Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-nine; and the remaining Tenth Part thereof, on the Third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Eight Hundred. And the reſpective Loan-Officers, at the lending the Money, are hereby required to take the Security for the ſame accordingly; and the ſaid Loan-Officers, for every Sum paid to them, ſhall give to the Perſon paying the ſame, a Receipt, and ſhall enter one Minute of the ſame Payment on the Book of the Mortgage, and another Minute thereof in the Books of Accounts by them to be kept, and that without any Fee or Reward; but if the Borrower, his Heirs, Executors or Adminiſtrators, ſhall ſee Cauſe to pay in a Fourth or Half Part, or Three Quarters, or the whole of the Principal due, to the ſaid Loan-Officers, on any Third Tueſday of *June*, before the ſaid Third Tueſday of *June*, One Thouſand Eight Hundred, the ſaid Loan-Officers are hereby required and empowered to receive the ſame on the ſaid Third Tueſday of *June* annually, and no other Day of the Year, unleſs ſo many do offer Payment on that Day, that theſaid Loan-Officers cannot within the Day receive the whole; and in that Caſe, they are to continue to receive until all who on that Day offered, have paid the Monies ſo offered; or unleſs he brings along with him another ſufficient Borrower to give new Security, to the Satisfaction of the Loan-Officers, for the whole of the Money by him paid in; and in that Caſe the Loan-Officer ſhall accept thereof on any of their ſtated Days of Meeting; and when the whole Principal and Intereſt is paid, the ſaid Loan-Officers ſhall (if required) give the Party paying, a Releaſe of the Mortgage given by the Borrower, and ſhall tear off the Name and Seal, and make an Entry in the Margin of the Mortgage, and in the Margin of the Minute made thereof, that on ſuch a Day and Year, ſuch Releaſe was made; for which Releaſe the Releaſee ſhall pay the Sum of *Two Shillings*, and no more; and when any Parts of the Principal are paid in as aforeſaid, before the ſaid Third Tueſday of *June*, One Thouſand Eight Hundred, the Loan-Officers ſhall, at the End of that Meeting, compute the whole of the Principal ſo paid in, and give public Notice of the Amount thereof, by Advertiſements ſet up, and that they are ready to ‡ *lend* the ſaid Monies to ſuch Perſons as ſhall appear to be qualified according to the Directions of this Act, to borrow the ſame; and in the lending and taking Security, ſhall conform themſelves (as near as the Circumſtances of the Caſe can admit) to the Directions herein before preſcribed; and if any Monies ſhall remain in their Hands for Want of Borrowers, they ſhall ſet up Advertiſements of the Amount thereof, and continue to do the like at the End of every of their ſtated Meetings.

When Borrowers may pay one Fourth, one Half, or three Fourths, or the whole of the principal Sums.

When the whole of Principal and Intereſt is paid, the Loan-Officer to releaſe the Mortgage.

Monies paid in before 1800, the Loan-Officers to advertiſe, and lend the ſame again.

Monies remaining in the Loan-Office, to be advertiſed at the End of every ſtated Meeting.

‡ *Altered, 12th Seſſ. Ch. 29. Sec. 4.*

XV. *And be it further Enacted by the Authority aforeſaid*, That in Caſe any Loan-Officer ſhall remove out of the County, die, or neglect or refuſe to perform the Duty required or enjoined him by this Act, or ſhall behave himſelf in his Office with Favour, Affection, Partiality or Malice, whereby the Public or any private Perſon may be injured; upon Report or Complaint made thereof, to any two or more of the Judges aforeſaid, of the County for which he is Loan-Officer, the ſaid Judges are hereby required and commanded by Summons to convene the Judges and Superviſors of the ſame County, to meet at ſuch Time and Place as in the ſaid Precept ſhall be appointed, to hear and determine ſummarily upon the ſaid Report or Complaint; and upon ſufficient Proof made to any one or more of the ſaid Judges, with a major Part of the ſaid Superviſors, of any Death, Removal, Neglect or Refuſal in the ſaid Office as aforeſaid; then, and in that Caſe, the ſaid Majority of the Superviſors, with Concurrence of one or more of the Judges aforeſaid, ſhall proceed in Manner as herein before directed, to elect, and are hereby required

Loan-Officers dying, or neglecting to do their Duty, or miſbehaving, others to be elected in their Room.

required and commanded to elect a Loan-Officer in the Room and Stead of ſuch deceaſed or abſent Perſon, or ſuch Perſon who ſhall have neglected or refuſed as aforeſaid; which Loan-Officer ſo elected as aforeſaid, having entered into Bond, and been qualified in like Manner as other Loan-Officers are by this Act directed, ſhall then have all the Powers, Privileges and Advantages, and ſhall be ſubject to all the Penalties and Forfeitures which any of the Loan-Officers of the County as aforeſaid, are veſted or charged with, entitled, or ſubject to by Virtue of this Act.

How Loan-Officers deſiring a Diſcharge from their Office, ſhall obtain it;

XVI. *And be it further Enacted by the Authority aforeſaid*, That if any of the Loan-Officers hereafter to be elected, ſhall deſire to be diſcharged of and from the ſaid Office, any one or more of the Judges aforeſaid ſhall and may, upon the Application of ſuch Loan-Officer for that Purpoſe, iſſue his or their Precept to ſummon the Judges aforeſaid, and Superviſors, to meet at a Day and Place in the ſaid Precept mentioned, to whom, when met, the ſaid Loan-Officer ſhall produce or render an Account of his Proceedings in his ſaid Office; and if it appear, upon Examination, to a Majority of the ſaid Judges and Superviſors, that the ſaid Loan-Officer hath faithfully demeaned himſelf in the Diſcharge of his ſaid Office, according to the true Intent and Meaning of this Act; then, and in ſuch Caſe, ſuch Loan-Officer ſhall be diſcharged of and from his ſaid Office, and another fit Perſon ſhall be by them elected to ſupply his Place, who ſhall take the ſame Oath or Affirmation, give the like Security, be ſubject to the like Penalties, Reſtrictions and Regulations, and receive the ſame Salaries and Advantages as the other Loan-Officers for that County, by Virtue of this Act, are liable, ſubject, or entitled unto.

And others to be elected in their Stead.

The former Loan-Officer to deliver, on Oath, to his Succeſſor, all Monies, Books and Papers belonging to his Office, or forfeit his Bond.

XVII. *And be it further Enacted by the Authority aforeſaid*, That when a Loan-Officer ſhall be choſen and qualified as herein is directed, in the Place of a former Loan-Officer, ſuch former Loan-Officer, his Executors or Adminiſtrators ſhall, upon Demand, deliver to the new Loan-Officer choſen in his Place, and qualified as aforeſaid, all the Monies, Books and Papers, that were in ſuch former Loan-Officer's Cuſtody, belonging to his Office, upon Oath, or if of the People called Quakers, on Affirmation, before any Juſtice of the Peace; and in Caſe any ſuch former Loan-Officer, or his Executors or Adminiſtrators, ſhall delay or refuſe to make ſuch Delivery on Oath or Affirmation, when demanded, as aforeſaid, the Bond of ſuch former Loan-Officer ſhall be forfeited.

Mortgagors not paying the Intereſt and part of the Principal, as required, to be foreclоſed and barred of all Equity of Redemption.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That if any Borrower ſhall neglect to bring in and pay, or cauſe to be brought in and paid, yearly and every Year, on the third Tueſday in *June*, or within Twenty-two Days thereafter, on one of the Days which the Loan-Officers aforeſaid are by this Act directed to attend the reſpective Loan-Offices, the yearly Intereſt due by his Mortgage, and alſo the Part of the Principal, as it becomes payable; then, and in either of theſe Caſes, the Loan-Officers to whom ſuch Mortgage was granted, ſhall be ſeiſed of an abſolute, indefeaſible Eſtate in the Lands, Houſes, Tenements and Hereditaments thereby mortgaged to them, their Succeſſors and Aſſigns, to the Uſes in this Act mentioned; and the Mortgagor, his or her Heirs and Aſſigns, ſhall be utterly foreclоſed, and barred of all Equity of Redemption of the mortgaged Premiſes; any Law, Uſage or Cuſtom, or Practice in Courts of Equity to the Contrary notwithſtanding.

Times of Loan-Officers Attendance.

XIX. *And be it further Enacted by the Authority aforeſaid*, That the Loan-Officers ſhall reſpectively attend the Loan-Office every Year, to receive the Monies by this Act directed to be paid to them upon the third Tueſday of *June*, and thereafter on the Tueſday in each Week, for the Term of three Weeks.

A.D. 1786. Inde. *U. S.* X.

The Lands in foreclosed Mortgages to be advertiſed for Sale at Vendue, on the third Tueſday in *September*.

XX. *And be it further Enacted by the Authority aforeſaid*, That the Loan-Officers ſhall, within eight Days after the laſt of the Tueſdays aforeſaid, yearly and every Year, cauſe Advertiſements to be fixed at not leſs than three of the moſt public Places, in three or more Towns, Precincts or Diſtricts of the County where the Premiſes are ſituated, deſcribing the Quantity and Situation of the Lands mentioned in the ſaid Mortgage, and giving Notice, that on the third Tueſday in *September*, in the ſame Year, they are to be ſold at the Court-Houſe of the reſpective Counties where the Lands lie, by Way of public Vendue, to the higheſt Bidder.

Loan-Officers to ſell the Lands at Vendue, and give Conveyances to the higheſt Bidder.

XXI. *And be it further Enacted by the Authority aforeſaid*, That the Loan-Officers of the reſpective Counties aforeſaid, ſhall, on the ſaid third Tueſday of *September*, yearly, expoſe the Lands in the Mortgages foreclоſed as aforeſaid, to Sale at public Vendue; and upon ſuch Sale, ſhall convey the ſaid Lands to the higheſt Bidder or Bidders; and the Purchaſer or Purchaſers ſhall and may hold and enjoy the ſame Lands, for ſuch Eſtate as was conveyed to the ſaid Loan-Officers, by the Mortgage executed by ſuch Mortgagor, clearly diſcharged and freed from all Benefit and Equity of Redemption, and all other Incumbrances made and ſuffered after the Execution of ſuch Mortgage by the Mortgagor, his or her Heirs or Aſſigns; and ſuch Purchaſer or Purchaſers ſhall pay the Loan-Officers for drawing and executing ſuch Conveyance, the Sum of *Five Shillings*.

Loan-Officers to receive the Amount of the Sales, and retain Principal, and the Intereſt to the third Tueſday in *June* then next, and Expences;

And pay Remainder, if any, to Mortgagors.

But if any Perſon offers to borrow the Principal, Intereſt only to be retained to that Day.

Purchaſers inclining to borrow, to be preferred.

Loan-Officers not bound to take Notice of Aſſignees of Mortgagor, without Notice.

XXII. *And be it further Enacted by the Authority aforeſaid*, That the Money for which the Premiſes are ſold, ſhall, upon the Sale thereof, be paid to the ſaid Loan-Officers; out of which they ſhall retain in their Hands, the Amount of the Principal then due, together with the Intereſt which would have been due thereon on the third Tueſday of *June* next thereafter, if ſuch Sale had not been made; as alſo the Expence of the Advertiſements, and of the Sale; ſuch Expence not exceeding *Fifteen Shillings;* and the Remainder (if any be) the Loan-Officers ſhall pay to the Mortgagor, his or her Heirs or Aſſigns. *Provided always*, That if any Perſon or Perſons offer at the Time of the Sale, to borrow (on ſufficient Security within this Act) the whole Principal that is to be retained out of the Price, and lent out again, then, and in that Caſe, the Loan-Officers ſhall not retain Intereſt beyond the Day of Sale. *Provided alſo*, That if the Purchaſer incline to borrow the principal Sum or Sums that is or are to be paid by him, and lent out again, and if the Loan-Officers be ſatisfied with the Security to be given by ſuch Purchaſer, in Manner aforeſaid; ſuch Purchaſer ſhall be preferred to any other Borrower. *Provided likewiſe*, That the Loan-Officers ſhall not be obliged to take Notice of any Aſſigns of the Mortgagor, unleſs they enter a Notice of their Right with the ſaid Loan-Officers, at or before the Time of Sale; which Notice the Loan-Officers ſhall enter on the Mortgage and Minute thereof, on Demand; the Aſſignee paying *One Shilling* for the ſame; and Aſſignees ſhall be preferred according to the Priority of their Entries of ſuch Notices.

Fraudulent Mortgagors to be proſecuted by the Loan-Officers.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That after any Lands, Houſes, Tenements or Hereditaments are mortgaged, according to the Directions of this Act, if it ſhall appear to the Loan-Officers, upon good and ſufficient Grounds (which they ſhall inſert in the Minute-Book of their Proceedings) that the Mortgagor had no good Right or Title to the Premiſes mortgaged, or has otherwiſe broken the Covenant of his Mortgage, ſo that the Public may be in Danger of loſing the Monies, or any Part thereof, advanced in Loan upon the Credit of the Premiſes, it ſhall and may be lawful to and for the ſaid Loan-Officers, and they are hereby empowered and required to commence an Action or Actions of Debt or Covenant upon the ſaid Mortgage, againſt the ſaid Mortgagor, his or her Heirs, Executors or Adminiſtrators,

A. D. 1786.
Inde. *U. S.* X.

Adminiſtrators, and the ſame to proſecute to Judgment, by all lawful Ways and Means whatſoever, in any Court of Record, for the Recovery of the whole Monies lent upon the Mortgage, and the Intereſt become due, and that ſhall become due, until the third Tueſday of *June* next following the Judgment, with Coſts and Charges; in which Action or Actions the Mortgagor ſhall be held to ſpecial Bail; and the Court in which ſuch Action is brought, is, and the Judges thereof in Vacation, are hereby authoriſed and directed to give ſuch ſhort Day for the Rules of pleading thereon, that Judgment or a Trial and final Determination may be had the firſt Court after the Court at which the Defendant firſt appeared to the ſame Action.

Felony to counterfeit or alter any of the Bills, or knowingly to paſs any Bill ſo counterfeited or altered.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall preſume to *counterfeit* any of the Bills of Credit to be iſſued by Virtue of this Act; or ſhall *alter* any of the ſaid Bills iſſued as aforeſaid, ſo that they ſhall appear to be of greater Value than by this Act the ſame Bill or Bills ſo altered, were enacted, ſigned or numbered to paſs for; or ſhall *knowingly paſs*, or give in Payment, any of the Bills aforeſaid ſo counterfeited or altered; every Perſon guilty of counterfeiting or altering any of the ſaid Bills as aforeſaid, or of knowingly paſſing, or giving in Payment, any ſuch counterfeit or altered Bill or Bills, ſhall be guilty of Felony; and being thereof convicted, ſhall forfeit all his or her Eſtate, both real and perſonal, to the People of this State, and be committed to the Bridewell of the City of *New-York* for Life, and there confined to hard Labour, under the Direction of the Corporation of the ſaid City, at the Expence (if any ſhould ariſe) of this State; and to prevent Eſcape, ſhall be branded on the left Cheek with the Letter C, with a red hot Iron. And though ſuch counterfeiting, altering, or knowingly paſſing counterfeit or altered Bills, ſhall be done out of this State, yet any Grand Jury within this State is hereby empowered to preſent the ſame, and to ſet forth in the Indictment the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithſtanding that the Place alledged be out of this State. And the Petit Jurors, on the Trial of all ſuch foreign Iſſues, ſhall be returned from the Body of the County where the ſaid Supreme Court ſhall be ſtatedly held; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

Repealed, 11th Seſſ. Ch. 20. Sect. 5.

How puniſhed.

Where the Loan-Offices are to be kept.

XXV. *And be it Enacted by the Authority aforeſaid*, That the reſpective Loan-Offices in this State, ſhall be kept at the *Court-Houſe* of each reſpective County, or at ſome other convenient Place near the ſame, except that the Loan-Officers for the County of *Orange* ſhall meet alternately at *Goſhen*, and at the *New-City*, in the ſaid County, and their firſt Meeting to be at the *Court-Houſe* in *Goſhen*; and the ſaid Loan-Officers ſhall, ſo ſoon as the ſaid Bills are ſigned and delivered to them, ſet up Advertiſements of the firſt Day of their attending the Loan-Office for the Purpoſes herein before mentioned, and ſhall duly attend the ſame on that firſt Day, and on every Tueſday and Wedneſday in each Week, for the Space of four Weeks thereafter, if there be Occaſion of their ſitting ſo long; and the ſaid Treaſurer, ſo ſoon as he can fix the Day upon which he can deliver the ſaid Bills to the Loan-Officers, ſhall ſend Notice by Letter to them to come and receive the Bills at that Day.

Loan-Officers to retain their Salaries out of the Intereſt, and pay the Remainder annually to the Treaſurer, by the laſt Tueſday in *Auguſt*.

XXVI. *And be it further Enacted by the Authority aforeſaid*, That the Loan-Officers reſpectively ſhall retain in their Hands, ſo much of the Intereſt Monies paid in to them as will pay them their reſpective Salaries appointed by this Act; any Thing in this Act to the Contrary notwithſtanding; and the Remainder of the ſaid Intereſt Monies ſhall be annually paid to the Treaſurer of this State, on or before the laſt Tueſday of the Month of *Auguſt*; and the ſaid Treaſurer's Receipt ſhall be to the ſaid Loan-Officers, and every of them, their Heirs, Executors and Adminiſtrators, a ſufficient Diſcharge.

XXVII. *And*

A.D. 1786. Inde. *U. S.* X.

Salaries of the ſeveral Loan-Officers.

XXVII. *And be it further Enacted by the Authority aforeſaid,* That the yearly Salary of the Loan-Officers aforeſaid, for the Services required of them by this Act, ſhall be as follows; *to wit:*

For every of the Loan-Officers of the County of *New-York*, *Forty Pounds.*
For every of the Loan-Officers of the County of *Albany*, *Thirty Pounds.*
For every of the Loan-Officers of *King*'s County, - *Ten Pounds.*
For every of the Loan-Officers of *Queen*'s County, - *Sixteen Pounds.*
For every of the Loan-Officers of *Suffolk* County, - *Fifteen Pounds.*
For every of the Loan-Officers of *Richmond* County, - *Ten Pounds.*
For every of the Loan-Officers of *Weſtcheſter* County, - *Fifteen Pounds.*
For every of the Loan-Officers of *Dutcheſs* County, - *Twenty Pounds.*
For every of the Loan-Officers of *Orange* County, - - *Fifteen Pounds.*
For every of the Loan-Officers of *Ulſter* County, - *Eighteen Pounds.*
For every of the Loan-Officers of *Montgomery* County, - *Sixteen Pounds.*
For every of the Loan-Officers of *Waſhington* County, - *Ten Pounds.*

Mortgages, Minutes and Accounts of Loan-Officers, to be inſpected yearly.

XXVIII. *And be it further Enacted by the Authority aforeſaid,* That the Superviſors and Judges aforeſaid of the ſeveral Counties of this State, ſhall, on the firſt Tueſday in *October*, which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-ſeven, and yearly thereafter, on the firſt Tueſday in *October*, meet together with the ſaid Loan-Officers at the Court-Houſe of the County; and the Majority of the Superviſors, with one or more of the Judges aforeſaid, ſhall carefully inſpect and examine the Mortgages, Minutes and Accounts of the Loan-Officers; and if it be found that any Loan-Officer or Loan-Officers has or have refuſed or neglected to perform the Duties enjoined upon him or them by this Act, the ſaid Judges and Superviſors ſhall elect a Loan-Officer or Loan-Officers, in the Stead of ſuch who ſhall ſo have refuſed or neglected as aforeſaid; and if any Deficiency has happened by Borrowers not having Right to the Lands mortgaged, or by the ſelling thereof for a leſs Price than what is before mentioned, or otherwiſe; then the ſaid Superviſors, or a Majority of them, with the Concurrence of one or more of the ſaid Judges, ſhall cauſe all ſuch Deficiences to be aſſeſſed and levied in the County as other County Charges, ſo that the whole of ſuch Deficiences be paid to the ſaid Loan-Officers, by the third Tueſday of *June* then next following.

Loan-Officers delinquent, others to be elected in their Stead.

Superviſors to cauſe Deficiences to be aſſeſſed on Counties, and paid to the Loan-Officers.

Forfeitures in Caſe of Non-Attendance of Judges and Superviſors to certain Duties.

XXIX. *And be it further Enacted by the Authority aforeſaid,* That in Caſe one or more of the ſaid Judges, and a Majority of the Superviſors aforeſaid, ſhall not meet on the ſecond Tueſday in *May* next; or in Caſe they ſhall not meet yearly on the firſt Tueſday in *October;* or in Caſe they ſhall not meet when ſummoned by a Precept of one or more of the ſaid Judges, for the ſeveral Purpoſes in this Act mentioned; every of them, in either of theſe Caſes, that are abſent (unleſs detained by Sickneſs) ſhall forfeit the Sum of *Two Pounds;* and the Judge or Judges then attending, ſhall iſſue his or their Precept to one or more Conſtables, to ſummon the Judges and Superviſors to attend on that Day Week, for the Purpoſes aforeſaid, under double the Penalty aforeſaid, which each neglecting then to attend, if duly ſummoned, ſhall alſo forfeit, altho' a ſufficient Number do appear; and in Caſe a ſufficient Number do not then appear, the Judge or Judges appearing ſhall proceed in the like Manner, from Week to Week, until a full Number of Superviſors do appear to perform the Duty for which they before ought to have met: And in Caſe the ſaid Superviſors, or either of them, when a Majority of them are met, ſhall neglect or refuſe to do the Duty enjoined on him or them by this Act, when met; or ſhall, on any Pretence whatſoever, on the Day of their annual Meeting, neglect or omit the cauſing to be aſſeſſed, levied, and raiſed, the whole Deficiences that have happened by any of the Means aforeſaid, every of them neglecting their Duty herein, ſhall forfeit to the

And for Neglect of Duty when met, to forfeit

Five Pounds.

People

A. D. 1786.
Inde. *U. S.* X.

People of this State, the Sum of *Five Pounds*: All which Penalties before in this Clause mentioned, are to be recovered before any one of the Justices of the Peace within the County where such Forfeiture shall arise; one Half to the Use of such Judge or Judges, and Supervisors of the same County, endeavouring to perform their Duty herein, who will sue and inform against the others, and prosecute their Suit to Effect; and the other Half to the Treasurer of the State, and be applied towards cancelling the Bills of Credit, in such Manner as shall be directed by Act or Acts of the Legislature.

How Penalties in this Clause to be recovered and applied.

XXX. *And be it further Enacted by the Authority aforesaid*, That all and every the Sums of Money which may at any Time afterwards be recovered by the Loan-Officers aforesaid, of such Persons as have been the Occasion of such Deficiences as aforesaid, shall be applied to the Use of such County: And the Judge or Judges and Supervisors are hereby empowered to take all lawful Ways and Means, in the Name of the said Loan-Officers, to recover the same.

Deficiences recovered from Individuals, to be applied to the Use of the County.

XXXI. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the said Loan-Officers to let out upon Loan, any of the said Bills of Credit, in such Manner as they shall think best, upon Security of good Plate, to be delivered to them at *Six Shillings* per Ounce, to be paid to the said Loan-Officers on the third Tuesday in *June*, annually, then next, with a Year's Interest at *Five per Cent.* for the same; and in Case of Non-Payment at any of the three stated Days of Meeting of the Loan-Officers, then the said Loan-Officers are to sell the same Plate in such Manner, and upon the same Day as they are directed to sell the Lands of the Mortgagors forfeited as aforesaid; and they are to return the Overplus, if any be, to the Owner, after Payment of the Principal and Charges, with Interest past and to come, until the third Tuesday of *June* then next, unless a Borrower offers at the Time of Sale, as in Case of Lands herein before mentioned; any Thing in this Act to the Contrary notwithstanding.

Loan-Officers to lend upon Security of Plate, at 6s. per Ounce.

When the Plate shall be sold by the Loan-Officers.

XXXII. *And be it further Enacted by the Authority aforesaid*, That if any Monies shall remain in the Hands of the Loan-Officers, for Want of Borrowers, four Weeks after the first Day appointed for letting it out, it shall be lawful for them to let out the same on good Security, by Mortgage of Lands in the County, or on Plate, as aforesaid, to any Person who will borrow the same, in any Sums, though they be upwards of *Three Hundred Pounds*.

Bills remaining four Weeks in the Hands of the Loan-Officers, may be lent in Sums above 300l.

XXXIII. *And be it further Enacted by the Authority aforesaid*, That if any of the Bills of Credit shall remain four Weeks over and above the four Weeks aforesaid; *That is to say*, in all eight Weeks, in the Hands of the Loan-Officers for Want of Borrowers, after the first Day appointed for letting out as aforesaid, then, and in that Case, the said Loan-Officers, or one of them, by Consent of the other, to be entered and signed in the Minute-Book of Proceedings, shall carry it to the Loan-Officers of the next County or Counties, where there were more Monies demanded in Loan than there were Monies to lend, and deliver it to the Loan-Officers of such next County or Counties, upon their Receipts for the same, and their entering a Memorandum of it in the Minutes of their Proceedings; which Loan-Officers to whom such Sum is brought, shall accept thereof, and shall set up Advertisements thereof, and therein assign a Day in the next Week for Borrowers to offer, and shall proceed in the lending such further Sum in their County, as nearly as Circumstances will admit, in the like Manner as they proceeded in lending the first Sum; of which Transposition of those Monies, the Loan-Officers of the several Counties shall give Notice in Writing, signed by them, to the Treasurer, at the Time of their paying to him the first Interest Monies thereafter; of which

Bills remaining eight Weeks in Loan-Officers Hands, to be carried to the next County,

And advertised by the Loan-Officers there.

A.D. 1786. Inde. *U. S.* X.

which Notices to him he ſhall enter Memorandums in his Book of Accounts, the better to aſcertain the Intereſt he is to receive yearly from the reſpective Counties, and the principal Sums that the Counties are finally to cancel.

Where Executors ſhall pay the Mortgage-Money out of the perſonal Eſtate.

XXXIV. AND to prevent Frauds that may happen by Executors, in their Non-Payment of any Part of the Money borrowed as aforeſaid, by their reſpective Teſtators; *Be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons who ſhall become a Borrower or Borrowers of the Bills iſſued by Virtue of this Act, ſhall afterwards make his, her or their laſt Will and Teſtament, in due Form of Law, thereby deviſing the Premiſes ſo mortgaged, to any other Perſon or Perſons, leaving perſonal Eſtate ſufficient to pay his or her Debts, with an Overplus not otherwiſe in the ſaid Will diſpoſed of, and not expreſsly providing in other Manner by the ſaid Will, in ſuch Caſe it ſhall be underſtood, that the Deviſor intended that the Mortgage-Money in Arrear at the Time of his Death, ſhould be paid out of his perſonal Eſtate, and his Executor or Executors ſhall accordingly be compelled to pay the ſame thereout, in Aid of ſuch Deviſee or Deviſees: But in Caſe the ſaid laſt Will was made before the Premiſes were mortgaged, then it ſhall be underſtood that the Teſtator's Intent was (unleſs otherwiſe expreſſed in ſuch Will) that the Deviſee or Deviſees ſhould pay the Reſidue of the Mortgage-Money in Arrear at the Time of ſuch Teſtator's Death: And in Caſe any Executor or Executors, contrary to the Intent of this Act, having Effects ſufficient, ſhall permit a Sale to be made of the Premiſes mortgaged; ſuch Deviſee or Deviſees may immediately have his, her or their Action, either in proper Perſon or by Guardian, or next Friend, if under Age, againſt ſuch Executor or Executors, and recover double the Damages ſuſtained, with Coſts of Suit; and in Caſe any Executor or Executors ſhall, in ſuch Caſe, be a Purchaſer of the Premiſes ſo mortgaged, or any other in Truſt for him, or for his Uſe, he or they ſhall be deemed ſeiſed of the Premiſes for the Uſe of the Deviſee or Deviſees; and ſuch Executor or Executors, and their Truſtee or Truſtees, are hereby diſabled from making any Conveyance thereof from ſuch Deviſee or Deviſees; and if any ſuch Conveyance is made, the ſame is hereby declared fraudulent and void againſt ſuch Deviſee or Deviſees.

Where Deviſees ſhall pay the Reſidue of the Mortgage-Money due at the Time of the Teſtator's Death.

Where Executors permitting mortgaged Property to be ſold, may be ſued by Deviſees.

Where Executors purchaſing, ſhall be ſeiſed only for the Benefit of the Deviſees.

Swearing or affirming falſely, or acting contrary to any Oath or Affirmation required by this Act, declared Perjury.

XXXV. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon ſhall falſely ſwear or affirm in any of the Caſes where an Oath or Affirmation is required to be taken by this Act, or ſhall wilfully or knowingly act contrary to the Oath or Affirmation he has before taken, ſuch Offence is hereby declared to be Perjury, and the Offender, being convicted thereof, ſhall ſuffer the Pains and Penalties of Perjury.

All Perſons to have Acceſs to Books of Mortgages.

Entries of Mortgages to have the like Priority as if regiſtered in the County Clerk's Office.

XXXVI. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Loan-Officers within this State, for the Time being, ſhall permit any Perſon or Perſons, at ſeaſonable Times, to ſearch and view the Books of Mortgages in their Hands and Cuſtody, upon their paying *One Shilling* for the Search; and the Entry of the reſpective Mortgages in the Books of the ſaid Loan-Offices, ſhall have the like Priority, Operation and Effect, as if ſuch Mortgages were regiſtered in the Clerk's Office of the County in which the Lands mortgaged lie.

XXXVII. *And be it further Enacted by the Authority aforeſaid*, That for the greater Uniformity in the Securities to be taken in the Loan-Offices for the Money to be lent by Virtue of this Act, the Mortgages ſhall be in the Form following; *to wit:*

THIS

A.D. 1786.
Inde. *U. S.* X.

The Form of Mortgages.

THIS INDENTURE, made the Day of in the Year of our Lord One Thouſand Seven Hundred and between of the County of of the one Part, and the Loan-Officers of the ſaid County of of the other Part, *Witneſſeth*, That the ſaid for and in Conſideration of the Sum of by the Loan-Officers of the ſaid County of to him well and truly paid, hath granted, bargained, ſold, releaſed, enfeoffed and confirmed, and by theſe Preſents doth grant, bargain, ſell, releaſe, enfeoff and confirm to the Loan-Officers of the of and their Succeſſors and Aſſigns forever, All that

together with all and all Manner of Improvements, Hereditaments and Appurtenances whatſoever to the ſame belonging, or in any wiſe appertaining; and all the Eſtate, Right, Title, Intereſt, Claim and Demand of the ſaid to the above bargained Premiſes, and every Part thereof: To have and to hold the above bargained Premiſes, to the Loan-Officers of the County of their Succeſſors and Aſſigns forever, to the Uſes and Purpoſes mentioned in an Act of the Legiſlature of the State of *New-York*, entitled, *An* Act *for emitting the Sum of* Two Hundred Thouſand Pounds *in Bills of Credit, for the Purpoſes therein mentioned:* And the ſaid for himſelf, his Heirs, Executors and Adminiſtrators, doth covenant, grant and agree to and with the ſaid Loan-Officers of the of and their Succeſſors, that at and before the Time of the Enſealing and Delivery hereof, the ſaid was lawfully ſeiſed of the above bargained Premiſes, of a good, ſure, perfect, abſolute and indefeaſible Eſtate of Inheritance in the Law, in Fee Simple, and that the ſame now are free and clear of all former and other Gifts, Grants, Bargains, Sales, Leaſes, Releaſes, Judgments, Extents, Recognizances, Dowers, and other Incumbrances whatſoever. *Provided always*, and theſe Preſents are upon this Condition, That if the ſaid Heirs, Executors, Adminiſtrators or Aſſigns, do pay, or cauſe to be paid to the Loan-Officers of the of the Intereſt at the Rate of *Five per Cent.* of the ſaid principal Sum of on the third Tueſday of *June* yearly, until the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety, incluſive; and if the ſaid Heirs, Executors, Adminiſtrators or Aſſigns, ſhall pay to the Loan-Officers of the of the one Tenth Part of the ſaid principal Sum of on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-one, together with the Intereſt then due on the ſaid principal Sum of and one other Tenth Part of the ſaid principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-two, together with the Intereſt then due; one other Tenth Part of the ſaid principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-three, together with the Intereſt then due; one other Tenth Part of the ſaid principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-four, together with the Intereſt then due; one other Tenth Part of the ſaid principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-five, together with the Intereſt then due; one other Tenth Part of the ſaid principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-ſix, together with the Intereſt then due; one other Tenth Part of the principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-Seven, together with the Intereſt then due; one other Tenth Part of the ſaid principal Sum, on the third Tueſday of *June*, which will

A. D. 1786. Inde. *U. S.* X.

will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-eight, together with the Intereſt then due; one other Tenth Part of the ſaid principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety-nine, together with the Intereſt then due; and the Remainder of the ſaid principal Sum, on the third Tueſday of *June*, which will be in the Year of our Lord One Thouſand Eight Hundred, together with the Intereſt then due thereon, according to the true Intent and Meaning of the ſaid Act; then the above Grant, Bargain and Sale, and every Article and Clauſe thereof, ſhall be void: But if Failure be made in any of the Payments above-mentioned, then the above Bargain and Sale is to remain in full Force and Virtue. And the ſaid Heirs and Aſſigns, agree to be abſolutely barred of all Equity of Redemption of the Premiſes, at the Expiration of Twenty-two Days after ſuch Failure. And the ſaid Heirs, Executors and Adminiſtrators, covenant, grant and agree to and with the Loan-Officers of the of and their Succeſſors, well and truly to pay to them, all and every of the Sums of Money above-mentioned, at the Times on which the ſame ought to be paid as aforeſaid; and that the above bargained Premiſes, upon the Sale thereof, purſuant to the Directions of the ſaid Act, will yield the Principal and Intereſt aforeſaid, remaining unpaid at the Time of ſuch Sale, and until the third Tueſday of *June* next after the Day of Sale, together with *Fifteen Shillings* for the Charges of ſuch Sale: In Witneſs whereof, the Parties to theſe Preſents have interchangeably ſet their Hands and Seals, the Day and Year firſt above-written.

Sealed and delivered in the Preſence of

8000 Copies of Mortgages to be printed.

How to be diſpoſed of.

XXXVIII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid *Samuel Loudon* ſhall print Eight Thouſand Copies of the ſaid Mortgages, and bind ſo many of them in a Book together, with ſix Leaves of clean Paper for an Alphabet, for the Uſe of the Loan-Office of each County, that there may be a Mortgage for every Twenty Pounds of Bills of Credit given to the Loan-Office of that County, and the Number remaining he ſhall give in looſe Sheets, in the like Proportion to each of the Loan-Officers, in order therewith (if there ſhould be Occaſion) to give atteſted Copies of the original Mortgages to the Purchaſers of any of the mortgaged Lands; which Books, together with the ſaid looſe Sheets, are to be delivered by the Printer, to the Treaſurer of this State, by him, with the Bills, to be delivered to the Loan-Officers of each County.

Mode of taking and diſcharging the Mortgages.

XXXIX. *And be it further Enacted by the Authority aforeſaid*, That no Mortgage ſhall be taken in the Loan-Offices but by filling up one of the Blanks of the ſaid Book of Mortgages; none of them ſhall be defaced or torn out, except the Seals when the Mortgagor pays off the whole Principal and Intereſt of the Mortgage: And the Loan-Officers ſhall proceed in the taking the Mortgages from the Beginning of the Book forward, numbering the Mortgages as they are taken, and inſerting the Mortgagor's Name and Number in the Alphabet, under the Letter anſwering the Mortgagor's Sirname.

Twelve Blank Books to be provided for Loan-Offices.

XL. *And be it further Enacted by the Authority aforeſaid*, That the Printer ſhall alſo cauſe to be bound up, twelve Books of Paper; one for the Uſe of each Loan-Office, and to be about two Thirds of the Size of the Book of Mortgages for the ſame County, to be delivered as aforeſaid, with the Book of Mortgages.

To what Uſes to be applied.

XLI. *And be it further Enacted by the Authority aforeſaid*, That the Loan-Officers ſhall, in one End of the laſt mentioned Book, minute the Subſtance of

of each Mortgage, *to wit:* The Number thereof, the Date, the Mortgagor's Name, the Sum lent, and the Boundaries of the Lands mortgaged: And when the one Loan-Officer has the Custody of the Book of Mortgages, the other shall have the Custody of the other Book; that Fire or other Accidents, which might happen, may be guarded against. And the Printer shall make an Alphabet to it, like to that of the Book of Mortgages; and for the Satisfaction of the Mortgagor, he may examine or see the Minute examined with the original Mortgage, and with the Witnesses, shall sign the same.

Directions to the Loan-Officers.

XLII. *And be it further Enacted by the Authority aforesaid*, That the Loan-Officers, beginning at the other End of the said Book, shall insert the Minutes of their Proceedings therein, *to wit:*

First. The Day they meet, Place, House, and Loan-Officers present.

Second. If any one is absent, they shall, at their next Meeting, minute the Cause of his Absence.

Third. Shall enter the Hour that every one applies for the Loan of Money, and the Sum he applies for.

Fourth. Shall enter down the Reason why a prior Applicant had not the Money, according to his Application, and the Substance of Examinations for clearing Titles and Value.

Fifth. Shall enter down the Monies received from the Treasurer, and the Monies delivered to, or received from the Loan-Officers of another County, and the Day when, with a Copy of the Notice thereof, to be delivered to the Treasurer, and when that Notice was delivered to the Treasurer, and by whom.

Sixth. The last Day of their four Days of Meeting for receiving of Monies yearly, they shall enter whose Mortgages are foreclosed, and the Numbers and Sums of them.

Seventh. Shall enter the Orders for, and Copies of the Advertisements for Sale, and Places at which they are to be set up, and the Persons Names that are to set them up.

Eighth. Shall enter the Names of the Purchasers of Lands, and Prices sold for, and Payment of the Overplus to whom it belongs, with the Time and Witnesses of such Payment.

Ninth. In Case any Principals, or Part thereof, are paid in before the Times of Payment in the Mortgages, the whole Amount of such Principals so paid in, shall be entered in the said Book.

Tenth. Shall enter the Cause of all Suits, and the Informations they have received, and of whom, at Length, or if too long, refer to them in Papers apart, minuting the Substance.

Eleventh. Shall enter their Meetings with the Judges and Supervisors, and Persons present, together with the Minutes of all Proceedings of such Judges and Supervisors, particularly what were the Deficiences laid before them, what Measures were taken for assessing and levying such Deficiences, and which of the said Judges and Supervisors were for assessing, or for neglecting or delaying it.

Twelve other Blank Books to be provided for the Loan-Offices.

Accounts of Loan-Office to be entered therein.

XLIII. *And be it further Enacted by the Authority aforesaid*, That the Printer shall also cause to be bound, other twelve Books of Paper, one of them for the Use of each Loan-Office, about two Thirds of the Size of the Book of Mortgages for the same County, to be delivered as aforesaid, with the Book of Mortgages; and that therein shall be entered all the Accounts of the Loan-Office;

A. D. 1786. Inde. *U. S.* X.

Office; that at the Beginning there ſhall be an Alphabet, wherein ſhall be inſerted every Man's Name, and the Page wherein his Account ſtands; and that this Book be kept in the faireſt and beſt Method that the Loan-Officers can, and it is to remain in the Cuſtody of him who has the Minutes of the Mortgages and Proceedings.

XLIV. *And be it further Enacted by the Authority aforeſaid*, That the Deeds to be granted by the Loan-Officers for any Lands to be ſold by them, whereof the Equity of Redemption is foreclоſed, ſhall be in Form following, *To wit:*

Form of the Deeds to be granted by Loan-Officers.

THIS INDENTURE, made the Tueſday of in the Year of our Lord One Thouſand Seven Hundred and Between the Loan-Officers of the of of the one Part, and of the other Part; *Witneſſeth*, That the ſaid Loan-Officers of the of for and in Conſideration of the Sum of to them in Hand paid, whereof they acknowledge the Receipt, and diſcharge the ſaid Heirs, Executors and Adminiſtrators, thereof forever, Have, purſuant to a Law of the State of *New-York*, entitled, *An Act for emitting the Sum of* Two Hundred Thouſand Pounds *in Bills of Credit, for the Purpoſes therein mentioned*, granted, bargained, ſold, releaſed, enfeoffed and confirmed, and by theſe Preſents, Do grant, bargain, ſell, releaſe, enfeoff and confirm unto the ſaid Heirs and Aſſigns, all that together with all and all Manner of Improvements, Hereditaments and Appurtenances whatſoever, to the ſame belonging, or in any wiſe appertaining, and all the Eſtate, Right, Title, Intereſt, Claim and Demand whatſoever, of the Loan-Officers of the of and their Succeſſors, to the above bargained Premiſes, and every Part thereof: To have and to hold the above bargained Premiſes, and every Part thereof, with the Appurtenances, to the ſaid Heirs and Aſſigns, to the ſole and only proper Uſe, Benefit and Behoof of the ſaid Heirs and Aſſigns forever: In Witneſs whereof, the Loan-Officers of the have hereunto ſet the Seal of their Corporation, together with their Hands, the Day and Year above-written.

Sealed and delivered in the Preſence of

To which Deed the Loan-Officers ſhall affix the Seal of the Loan-Office, and reſpectively ſubſcribe their Names in the Preſence of two Witneſſes.

A looſe Sheet of the Blank Mortgages filled up, ſhall be Evidence of Title to the Purchaſer.

XLV. *And be it further Enacted by the Authority aforeſaid*, That upon every Sale of Lands, the Loan-Officers ſhall fill up one of the looſe Sheets of blank Mortgages, like to the original Mortgage, and atteſt the ſame as a true Copy, under their Hands and the Seal of the Loan-Office, and give it inſtead of the original Mortgage for Evidence of the Title to the Purchaſer. And the Bond to be entered into by the Loan-Officers, ſhall be in the Form following, *viz.*

Form of Bond to be given by Loan-Officers.

KNOW all Men by theſe Preſents, That we, are held and firmly bound unto the People of the State of *New-York*, in the Sum of to be paid to the ſaid People; for which Payment well and truly to be made and done, we bind Ourſelves, our Heirs, Executors and Adminiſtrators, and every of us, and them jointly and ſeverally, firmly by theſe Preſents. Sealed with our Seals, and dated the Day of in the Year of our Lord One Thouſand Seven Hundred and

THE Condition of the above Obligation is ſuch, That if the above-bounden ſhall and do well and truly perform the Office and Duty of one of the Loan-Officers of the of and ſhall demean himſelf therein without Favour, Malice or Partiality, then the above Obligation to be void, otherwiſe to remain in full Force and Virtue.

Sealed and delivered in the Preſence of

XLVI. *And*

A. D. 1786. Inde. *U. S.* X.

In Caſe of Forfeiture of ſuch Bond, the Suit to be ſtayed on certain Conditions.

XLVI. *And be it further Enacted by the Authority aforeſaid*, That in Caſe of the Forfeiture of ſuch Bond as aforeſaid, the Suit thereon ſhall be ſtaid, on the Defendant's paying, or tendering in Court to pay, the Damages ariſen by the Breach of the Condition of the ſaid Bond, with the Coſts to that Time; and if Judgment be had thereon, a Jury ſhall enquire of the Damages according to Law.

Loan-Officers to examine Perſons on Oath.

A Minute thereof to be entered.

XLVII. *And be it further Enacted by the Authority aforeſaid*, That for the better Satisfaction of the Loan-Officers, as to the Title and Value of what is offered in Mortgage by Borrowers, the Loan-Officers, or either of them, are hereby authoriſed and empowered to examine the Borrower and Witneſſes upon Oath, or if of the People called Quakers, on Affirmation, concerning the ſame; a brief Minute of which Examination, and the Names of the Perſons ſo examined, they ſhall enter into their Minute-Book of Proceedings.

The Treaſurer to pay Expences of printing the Bills,

And of ſigning them.

XLVIII. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer ſhall pay the Expence of printing the ſaid Bills, and the incidental Expences which may ariſe in or about the ſame; and to each of the ſame Perſons authoriſed to ſign the Bills to be emitted by Virtue of this Act, at the Rate of *Two Shillings* for every Hundred of the ſaid Bills they may have reſpectively ſigned, according to ſuch Accounts thereof as they ſhall reſpectively produce, audited by the Auditor of this State.

When the Signers of the Bills are to meet at the Treaſury to deſtroy the Bills.

XLIX. *And be it further Enacted by the Authority aforeſaid*, That the Signers of the ſaid Bills, or any three of them, ſhall meet at the Treaſury of this State, on the firſt Monday in *November*, which will be in the Year One Thouſand Seven Hundred and Eighty-ſeven, and annually on every firſt Monday in *November*, and the Treaſurer of this State ſhall, when the ſaid Signers are ſo met as aforeſaid, deliver unto them all ſuch of the ſaid Bills of Credit as ſhall then have come into his Hands, as Treaſurer of this State, from any of the ſaid Loan-Officers, for Principal and Intereſt, together with a Liſt of the ſeveral Denominations of the ſaid Bills; and having examined and compared the ſaid Bills with ſuch Liſt, ſhall deſtroy the ſaid Bills, and ſhall certify that they have deſtroyed the Bills mentioned and deſignated on ſuch Liſt; which Liſt, ſo certified, ſhall be delivered to the ſaid Treaſurer, and a Copy thereof, ſo ſigned, ſhall be kept by the ſaid Signers, or one of them, to be by him or them delivered to the Legiſlature, when thereunto required.

Treaſurer having received 150,000l. in Gold or Silver and Bills of Credit, to exchange ſuch Bills as are in Circulation for Gold or Silver.

L. *And be it further Enacted by the Authority aforeſaid*, That whenever the ſaid Treaſurer ſhall have received from the ſaid Loan-Officers, a Sum equal to *One Hundred and Fifty Thouſand Pounds* in Gold or Silver, partly in Gold and Silver, and partly in the Bills of Credit aforeſaid; it ſhall and may be lawful to and for the ſaid Treaſurer, and he is hereby required to exchange ſuch of the ſaid Bills as may be then in Circulation, for the Gold or Silver ſo received, at the nominal Value expreſſed on ſuch Bills as may, by any Perſon, be tendered to him for Exchange; and the ſaid Treaſurer is hereby required, as ſoon as he ſhall have received to the ſaid Amount, in Manner aforeſaid, to give public Notice thereof, by Advertiſement to be publiſhed in three of the News-Papers printed in this State, and ſhall require all Perſons having any of the ſaid Bills of Credit in Poſſeſſion, within Sixty Days from the Date of ſuch Advertiſement, to bring the ſame into the Treaſury, and to receive Gold or Silver therefor; and if any ſuch Bills ſhould not be brought in, thoſe remaining in Circulation ſhall not be ſo exchanged, but ſhall be received in all Payments into the Treaſury of this State.

LI. *And*

A. D. 1786. Inde. *U. S.* X.

Treaſurer to procure blank Certificates, with Checks and Devices to prevent Counterfeits.

LI. *And be it further Enacted by the Authority aforeſaid*, That the Treaſurer of this State be, and he is hereby authoriſed and required to procure, at the Expence of the People of this State, a competent Number of blank Certificates, with ſuch Checks and Devices as he may deem proper, to guard againſt Counterfeits, and with a Margin, or Counterpart, ſufficiently large to contain a Memorandum of the annual Payment of Intereſt which may be made thereon; the Blanks of which Certificates ſo to be procured, ſhall be filled up as to the Numbers, Sums, Date, Day, and Year of paſſing this Act, and be delivered as herein after directed; and the ſaid blank Certificates ſhall ſeverally contain the Words following, *viz.*

Form of Certificates.

NUMBER

THE People of the State of New-York *have received, on Loan, from the Sum of to be paid to the ſaid or Bearer, on or before the firſt Day of* January, *which will be in the Year of our Lord One Thouſand Seven Hundred and Ninety, with Intereſt from the Day of One Thouſand Seven Hundred and Eighty-five, at the Rate of* per Centum per Annum, *to be paid annually at the Treaſury, according to a Law of this State, paſſed on the Day of*

Treaſurer to receive public Securities on Loan, and give Certificates in Lieu thereof.

LII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Treaſurer be, and he is hereby authoriſed and required to receive on Loan, in Behalf of the People of this State, ſuch public Securities as are herein after deſcribed, and to iſſue and deliver, in Lieu thereof, to any Perſon or Perſons who ſhall, before the firſt Day of *May*, which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-ſeven, make ſuch Loan or Loans, a Certificate or Certificates, at the Election of the Lender, in the Form herein before preſcribed, to the Amount or Value of the Sum or Sums due as principal Money, on the Security and Securities which he ſhall ſo receive on Loan, and ſhall endorſe on each Certificate by him delivered, the Amount of Intereſt due to the firſt Day of *January*, One Thouſand Seven Hundred and Eighty-five, and ſubſcribe his Name thereto. *Provided always*, That no more than one Certificate ſhall be iſſued by the ſaid Treaſurer, for a Sum leſs than *Twenty Pounds*, received from any one Perſon.

Certificates given by Virtue of this Act, how to be numbered, and their Blanks filled up.

LIII. *And be it further Enacted by the Authority aforeſaid*, That each Certificate to be delivered by Virtue of this Act, ſhall be numbered, beginning with Number One, and ſo on in arithmetic Progreſſion, to the laſt that ſhall be delivered, incluſive; and the Blanks of the Certificates ſhall be filled as follows, *viz.* The Firſt and Third with the Name of the Perſon making the Loan; the Second, with the Amount of principal Money of the Security or Securities loaned; the Fourth, with the Word *Firſt*; the Fifth, with *January*; and the Sixth, with a Rate of Intereſt equal to the Intereſt expreſſed in the Certificates received on Loan; and the Day, Month and Year in which this Act paſſed, ſhall be printed in the Certificates; and each Certificate, before the ſame is delivered, ſhall be ſigned by the ſaid Treaſurer, with his Name and Stile of Office.

LIV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Treaſurer ſhall be, and he is hereby authoriſed and required to receive the following public Securities on Loan, in Manner aforeſaid, *viz.*

What Kind of public Securities to be received on Loan.

Loan-Office Certificates iſſued by the Continental Commiſſioner of Loans in this State, for Monies lent to the United States, at the nominal Value expreſſed therein, if iſſued on or before the firſt Day of *September*, One Thouſand Seven Hundred and Seventy-ſeven.

Loan-Office Certificates iſſued by the Continental Commiſſioner of Loans in this State, for Monies loaned to the United States, ſince the ſaid firſt Day of

of *September*, reduced to Specie Value by the Scale of Depreciation, eſtabliſhed by the United States in Congreſs aſſembled, on the Twenty-eighth Day of *July*, One Thouſand Seven Hundred and Eighty-one.

Certificates iſſued or to be iſſued by the Continental Commiſſioner of Accounts within this State, for Services performed or Articles delivered by the Inhabitants of this State, for the Uſe of the United States, commonly called *Barber's Notes*.

Certificates iſſued by the Treaſurer of this State, for Monies borrowed for the Uſe of this State, and directed to be paid by an Act, entitled, (*a*) *An* Act *to provide for the Payment of certain contingent Expences of this State*, paſſed the 25th of *October*, 1779, reduced to Specie Value by the Continental Scale of Depreciation.

(*a*) 3*d Seſſ. Ch.* 31.

Certificates iſſued by the Agent of this State, in Purſuance of an Act, entitled, (*b*) *An* Act *to procure Supplies for the Uſe of the Army, and to prevent a Monopoly of Cattle within this State, and more effectually to prevent Supplies of Cattle to the Enemy*, paſſed the 24th of *June*, 1780.

(*b*) 3*d Seſſ. Ch.* 69.

Certificates iſſued by the Treaſurer of this State, in Purſuance of an Act, entitled, (*c*) *An* Act *to provide for the Payment of certain Monies taken on Loan by this State*, paſſed the 30th Day of *June*, 1780, at the Rate of One Dollar in Silver, for every Forty of the Nominal Dollars ſpecified in ſuch Certificates.

(*c*) 3*d Seſſ. Ch.* 73.

Warrants, with Receipts thereon endorſed, given by Virtue of the Act, entitled, (*d*) *An* Act *to complete the Continental Battalions raiſed under the Direction of this State*, paſſed the firſt Day of *July*, 1780, at the Rate of One Dollar in Silver, for every Buſhel of Wheat ſpecified in ſuch Warrants.

(*d*) 3*d Seſſ. Ch.* 78.

Certificates granted for Horſes purchaſed by this State, for the Uſe of the Armies of the United States, in the Year 1780.

Accounts liquidated and certified, or Certificates granted by the late Auditor-General of this State, or the Auditor of this State for the Time being, reduced to Specie Value, if not already ſo reduced, by the Continental Scale of Depreciation.

Certificates iſſued by the Auditors appointed in Purſuance of the Act, entitled, (*e*) *An* Act *to liquidate and ſettle the Accounts of the Troops of this State in the Service of the United States*, paſſed the 4th Day of *October*, 1780.

(*e*) 4*th Seſſ. Ch.* 7.

Certificates given, or which may be given by Virtue of the Act, entitled, (*f*) *An* Act *to empower the Auditors appointed to liquidate and ſettle the Accounts of the Troops of this State in the Service of the United States, to grant Certificates to the Troops of this State in the Service of the United States, for their Pay accrued for the Time therein mentioned*, paſſed the 6th Day of *April*, 1784.

(*f*) 7*th Seſſ. Ch.* 19.

Certificates iſſued or to be iſſued by Virute of an Act, entitled, (*g*) *An* Act *for the Settlement of the Pay of the Levies and Militia, for their Services in the late War, and for other Purpoſes therein mentioned*, paſſed the Twenty-ſeventh Day of *April*, 1784.

(*g*) 7*th Seſſ. Ch.* 45.

And all other Certificates iſſued by the Treaſurer of this State, for Monies due by the People of this State, to any Perſon or Perſons whomſoever.

Treaſurer's Duty on giving Certificates.

LV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Treaſurer, and he is hereby authoriſed and required, immediately after completing any Certificate or Certificates, and having ſigned and endorſed the ſame as herein directed, to pay to the Holder thereof, the One Fifth Part of the Intereſt endorſed thereon, as aforeſaid,

A. D. 1786. Indp. *U. S.* X.

in the ſaid Bills emitted by Virtue of this Act, and remaining in the Treaſury; and for the Reſidue of the ſaid Intereſt ſo endorſed as aforeſaid, to give unto ſuch Holder a Certificate in the Form following, *to wit:*

NUMBER

Form of Certificate to be given for the Intereſt.

THE People of the State of New-York *are indebted to in the Sum of for Intereſt to be paid to the ſaid or Bearer, on or before the firſt Day of* May, *which will be in the Year of our Lord One Thouſand Seven Hundred and Eighty-ſeven, according to an Act, entitled,* An *Act* for emitting the Sum of *Two Hundred Thouſand Pounds* in Bills of Credit, for the Purpoſes therein mentioned.

WHICH Certificate, ſo to be given for Intereſt, ſhall be numbered with the ſame Number as the Certificate given for the principal Sum on which ſuch Intereſt is due; and the Blanks in the Body of each Certificate ſo to be given for Intereſt, ſhall be filled up as follows; the Firſt and Third with the Name of the Perſon to whom ſuch Intereſt is due, and the Second with the Sum ſo due to ſuch Perſon for Intereſt as aforeſaid; and each Certificate ſo given for Intereſt, ſhall, before the ſame is delivered, be ſigned by the Treaſurer, with his Name and Stile of Office; and the ſaid Treaſurer having ſo paid a Part of the Intereſt in the ſaid Bills of Credit, and given ſuch Certificate as aforeſaid for the Reſidue of the Intereſt, ſhall endorſe on the Certificate by him given for the principal Money of the Security or Securities ſo loaned, *Intereſt paid to the firſt Day of* January, *One Thouſand Seven Hundred and Eighty-five,* and ſubſcribe ſuch Endorſement with his Name and Stile of Office.

Certificates given for Intereſt, to bear the ſame Number as thoſe for Principal.

Treaſurer to endorſe Certificates,

LVI. *And be it further Enacted by the Authority aforeſaid,* That the ſaid Treaſurer ſhall make regular Entries in a Book or Books to be kept for the Purpoſe of the Certificates for Securities loaned as aforeſaid, which he ſhall iſſue by Virtue of this Act; and which Book or Entries ſhall contain, in convenient Order, the Number and Date of ſuch Certificates, and the Names of the Perſons to whom ſuch Certificates ſhall be iſſued, the principal Sum, the Intereſt paid thereon, the Day to which it was paid, and the annual Intereſt to ariſe thereon; and alſo a like Entry of each and every Security he ſhall receive on Loan as aforeſaid, reducing in all Caſes the nominal Sum to Specie Value, as herein before directed.

And to keep a regular Account of Certificates given for Securities loaned.

LVII. AND to the End that the Credit of the Bills to be emitted by Virtue of this Act, may be moſt effectually eſtabliſhed; *Be it Enacted by the Authority aforeſaid,* That Gold and Silver, and the Bills of Credit to be emitted by Virtue of this Act, ſhall be received by the Collector, for Duties ariſing on Goods, Wares and Merchandize, which ſhall be imported into this State after the paſſing of this Act, and in the Treaſury of this State in Payment ariſing from the Duty on Goods ſold by public Vendue, by Virtue of the Act, entitled, ‡ *An* Act *for the Regulation of Sales by public Auction.*

Gold and Silver, and the Bills emitted by this Act to be received for Duties.

‡ *7th Seſſ. Ch.* 4.

LVIII. *And be it further Enacted by the Authority aforeſaid,* That Gold and Silver, and the Bills of Credit emitted in Purſuance of this Act, and no other Species of Monies or Bills ſhall be received by the Loan-Officers, in Diſcharge of the Principal and Intereſt due on ſuch Mortgages.

Gold and Silver, and Bills only to be received by Loan-Officers.

LIX. *And be it further Enacted by the Authority aforeſaid,* That all the Power and Authority by this Act given to, and Duties required to be done by the Judges and Superviſors of the ſeveral Counties of this State, ſhall be veſted in, and exerciſed by the Mayor, Aldermen and Commonalty of the City of *New-York,* in Common Council convened, who ſhall be ſubject to like Forfeitures, ſo far forth as the Matters and Things in this Act contained relate

Same Power given to the Common Council of *New-York*, as to the Judges and Superviſors of the other Counties.

relate to the ſaid City and County of *New-York*; and that the Word, *County*, in this Act mentioned, ſhall be conſtrued to comprehend the ſaid City and County of *New-York*.

In what Caſes Bills of Credit to be a legal Tender.

LX. *And be it further Enacted by the Authority aforeſaid*, That the Bills of Credit to be emitted by Virtue of this Act, ſhall be a legal Tender in all Caſes where any Suit is or ſhall be brought or commenced for any Debt or Damages, and the Coſts of Suit, in any Stage of the Proceedings thereof. *Provided always*, That nothing in this Act ſhall extend to contravene any Treaty between the United States of *America*, and any foreign State or Power.

Allowance to the Loan Officer who ſhall apply for the Money at the Treaſury.

LXI. *And be it further Enacted by the Authority aforeſaid*, That one of the Loan-Officers of each reſpective County, ſhall be allowed, in Addition to the Salaries herein before mentioned, theSum of *Six-Pence* for every Mile ſuch Loan-Officer ſhall be obliged to travel for the Purpoſe of receiving the Bills of Credit, in and by this Act directed to be delivered to the Loan-Officers, to be computed from the Court-Houſe of the County for which ſuch Loan-Officer ſhall be appointed, to the City of *New-York*.

Certificates iſſued by Virtue of this Act, to be received in Payment for confiſcated Eſtates and waſte Lands.

LXII. *And be it further Enacted by the Authority aforeſaid*, That the Certificates to be iſſued by the Treaſurer, by Virtue of this Act, for Securities taken on Loan, and alſo the Certificates to be iſſued for Part of the Intereſt due thereon, previous to the firſt Day of *January*, One Thouſand Seven Hundred and Eighty-five, ſhall be receivable at the Treaſury of the State, in Payments for confiſcated Eſtates to be ſold by the Commiſſioners of Forfeitures, and alſo in Payment for the waſte and unappropriated Lands of this State.

CHAP. XLI.

An ACT *for regulating Trials of Iſſues, and for returning able and ſufficient Jurors.*

Paſſed 19th April, 1786.

Iſſues in the Supreme Court to be tried in the Counties where the Lands lie, or the Cauſe of Action ariſes, or Offence is committed,

I. BE *it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That all Iſſues joined, or hereafter to be joined, in the Supreme Court, or in any other Court, and brought into the Supreme Court to be tried, and which are or may be triable by the Country, ſhall be tried in the proper Counties where the Lands, Tenements or Hereditaments in Demand or Queſtion, ſhall be ſituated, or the Cauſe of Action, Suit, Controverſy, or Offence ſhall ariſe, or be committed; unleſs the Supreme Court, upon Motion in Behalf of the People of this State, if they be intereſted, or upon Motion of any Plaintiff, Demandant, or Avowant, or Tenant, or Defendant, ſhall think proper to order the Trial to be at the Bar of the ſaid Supreme Court, which ſhall only be done in Caſes of great Difficulty, or which require great Examination. But this Clauſe ſhall not extend to any Action merely tranſitory, nor prevent the ſaid Supreme Court from ordering Trials by foreign Juries, in all Caſes where it ſhall be proper and neceſſary.

Unleſs the Court ſhall order a Trial at Bar.

But not to extend to tranſitory Actions, or Trials by foreign Juries.

Juſtices of the Supreme Court in Vacations to hold Circuit Courts.

II. *And be it further Enacted by the Authority aforeſaid*, That the Juſtices of the Supreme Court for the Time being, or ſome or one of them, ſhall, yearly, and every Year forever hereafter, in the Vacations, at leaſt once in a Year, and oftener, if Need be, hold a Court in each of the Counties of this State, as well in the Counties where the Supreme Court ſhall ſit, as in every of the other Counties of this State, for the Trials of all Iſſues joined or

See 12th Seſſ. Ch. 28. Sec. 3.

A. D. 1786. Inde. *U. S.* X.

or to be joined, in the Supreme Court, or in any other Court, and brought into the Supreme Court to be tried, and which are or may be triable in the ſaid reſpective Counties; which Courts ſhall be called the Circuit Courts; and that each of the ſaid Circuit Courts ſhall be held in each of the Counties of this State, ſo many Days each Time as the Juſtices or Juſtice holding the ſame, ſhall think neceſſary. *And further*, That the Juſtices of the Supreme Court for the Time being, ſhall, from Time to Time, in the Term next preceding the holding of every of the Circuit Courts, appoint the Time of holding ſuch Circuit Courts in every of the ſaid Couuties in which it ſhall be neceſſary to hold the ſame in the then next Vacation, and ſhall Cauſe the ſame to be entered in the Minutes of the ſame Supreme Court; and that ſuch Circuit Courts ſhall reſpectively be held at the ‡ Court-Houſe of the County in which the ſaid Circuit Court is ſo appointed to be held; and in Caſe there be no Court-Houſe in the County, then at ſuch Place as the ſaid Juſtices of the Supreme Court, during the Term next preceding the holding of ſuch Circuit Court, ſhall, for that Purpoſe, appoint.

Juſtices of the Supreme Court, in Term, to appoint the Time of holding the Circuit Courts.

The Circuit Courts to be held at the Court-Houſe.

‡ *Altered as to* New-York *and* Albany, *12th Seſſ. Ch.* 4.

III. *And be it further Enacted by the Authority aforeſaid*, That when any ſuch Iſſue is to be tried at any of the ſaid Circuit Courts, the Tenor or Tranſcript of the Record thereof, with a Reſpite of the Jury, or an Award of Proceſs for their Appearance to the Supreme Court at the next Term, unleſs the Juſtices of the Supreme Court, ſome or one of them, at the Day and Place appointed for holding the ſaid Circuit Court at which ſuch Iſſue is or ought to be tried, ſhall ſooner come, ſhall be made and ſent under the Seal of the ſaid Supreme Court, to ſuch of the Juſtices of the ſame Court, as may hold the ſaid Circuit Court in the County where ſuch Iſſue is or ought to be tried; and a ſimilar Clauſe ſhall be inſerted in the Proceſs for the Appearance of the Jury at the ſaid Circuit Court; and if one Party demand and have ſuch Tenor or Tranſcript of the Record as aforeſaid, to deliver to ſuch Juſtices or Juſtice before whom ſuch Iſſue is to be tried, another Tenor or Tranſcript of the ſame Record ſhall be made and delivered to the other Party, if he require the ſame.

A Tranſcript of the Record to be ſent from the Supreme Court to the Circuit Court.

Both Parties may have ſuch Tranſcript.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Juſtices of the Supreme Court for the Time being, and each and every of them, as a Juſtice or Juſtices of the Supreme Court, and without any other Commiſſion to be had or made for that Purpoſe, ſhall be, and hereby is and are fully authoriſed, empowered and required, at the ſaid reſpective Circuit Courts, to try all ſuch Iſſues, and take all ſuch Inqueſts, by Default or otherwiſe, as are or ought to be tried or taken in the ſaid Circuit Courts reſpectively, and to record Nonſuits and Defaults before him or them; and to do and execute all other Matters and Things as fully, in every Reſpect, as any Juſtices of *Niſi Prius*, or Juſtices of Aſſiſe, may or ought by Law to do and execute. And the ſaid Juſtices or Juſtice, before whom any ſuch Circuit Court ſhall be held, ſhall return the ſaid Tenor or Tranſcript, and the Writ or Proceſs for the Appearance of the Jury, and the Pannel, with the Verdict and Proceedings before him or them had thereupon, to the Supreme Court, at the next Term; and the ſaid Supreme Court ſhall receive and record the ſame, and give Judgment thereupon according to Law. *And further*, That it ſhall and may be lawful to and for the Juſtices of the Supreme Court, and each and every of them, for the Time being, as a Juſtice or Juſtices of the Supreme Court, and without any other Commiſſion to be had or made for that Purpoſe, to take Aſſiſes of *Novel Diſſeiſin*, or any other Aſſiſes at the ſaid ſeveral Circuit Courts; and if the taking of any Aſſiſe at any ſuch Circuit Court, be deferred for any Cauſe whatſoever, to adjourn the ſame, and ſend the Record, with the original Writ, to the ſaid Supreme Court, where ſuch Proceedings ſhall thereupon be had, as Law and Juſtice

Authority given to the Juſtices of the Supreme Court to try Iſſues in the Circuit Courts.

The Proceedings to be returned to the Supreme Court.

Juſtices of the Supreme Court to take Aſſiſes at Circuit Courts.

And may adjourn the ſame into the Supreme Court.

A.D. 1786. Inde. *U. S.* X.

Juſtice may require. And when the Matter ſhall come to the taking of the Aſſiſe, the ſaid Supreme Court ſhall remit the Matter to ſuch of the Juſtices as ſhall hold the next Circuit Court in the County where the ſame Aſſiſe is or ought to be taken, before whom the ſaid Aſſiſe ſhall be taken; any Law, Cuſtom or Uſage to the Contrary notwithſtanding.

Sheriffs and other Officers to make Returns to the Circuit Court.

V. *And be it further Enacted by the Authority aforeſaid*, That all Sheriffs, and other Officers to whom the Return of any Writs of Aſſiſe, Juries or Certificates ſhall appertain, ſhall cauſe to come, at every ſuch Circuit Court to be held in their reſpective Counties, before the Juſtices or Juſtice of the Supreme Court who ſhall hold ſuch Circuit Court, all ſuch Writs of Aſſiſe, Juries and Certificates, before whatſoever Juſtices or Juſtice arraigned, or by whatſoever Writs, in their reſpective Counties, together with the Panels, Attachments, Re-Attachments, Summons, Re-Summons, and all other Minuments whatſoever, any Ways concerning thoſe Aſſiſes, Juries and Certificates, in all Things according to Law and the Nature of them arrayed and executed. *Provided always*, That the Attachments, Re-Attachments, Summons and Re-Summons thereof, ſhall be made at leaſt fifteen Days before the holding of ſuch Circuit Court.

Iſſues on Legality of Marriage, & Pleas of Baſtardy to be tried by the Country only.

VI. *And be it further Enacted by the Authority aforeſaid*, That all Iſſues upon Legality of Marriage, and upon Pleas or Allegations of general or ſpecial Baſtardy, ſhall be tried by the Country, and not otherwiſe; any Law, Cuſtom or Uſage to the Contrary notwithſtanding.

Bills of Exceptions how to be taken and allowed, and Proceedings thereon.

VII. *And be it further Enacted by the Authority aforeſaid*, That when any one who is or ſhall be impleaded before any Judges or Juſtices, doth alledge an Exception, praying that the Juſtices will allow it, and they will not allow it, if he who alledged the Exception do write the ſame Exception, and require that the Juſtices will put their Seals to it for a Witneſs, the Juſtices ſhall do ſo; and if one will not, another of the Juſtices ſhall: And if a Writ ſhall be brought to reverſe the Judgment in ſuch Caſe, and the ſame Exception be not found in the Roll, and the Plaintiff ſhew the Exception written, with the Seal of the Juſtices put to it, the Juſtice ſhall be commanded that he appear at a certain Day, either to confeſs or deny his Seal; and if the Juſtice cannot deny his Seal, the Court ſhall proceed to Judgment, according to the ſame Exception, as it ought to be allowed or diſallowed.

Venire Facias to be awarded of the Body of the proper County.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every *Venire Facias*, for the Trial of any Iſſue in any Action or Suit, civil or criminal, in any Court of Record within this State, ſhall be awarded of the Body of the proper County where ſuch Iſſue is triable; excepting in ſuch Caſes in which foreign Juries ſhall be deemed neceſſary; in which Caſes, the *Venire Facias* ſhall be awarded of the Body of the County from which ſuch foreign Jury are directed to come.

Qualification of Jurors.

IX. *And be it further Enacted by the Authority aforeſaid*, That all Jurors (other than Strangers upon Trials *per Medietatem Linguæ*) who ſhall be returned upon Trials of Iſſues in the Supreme Court, or in any of the Circuit Courts, or in any of the Inferior Courts of Common Pleas, or in the Mayors Courts of the Cities of *New-York*, *Albany* or *Hudſon*, or in any Court of General or Quarter Seſſions of the Peace, or before any Juſtices of Aſſiſe, Oyer and Terminer, or Gaol Delivery, in any City or County of this State, or in any other Court of Record, ſhall every of them be above the Age of Twenty-one, and under the Age of Sixty Years, and ſhall each of them have, in either of the ſaid Counties, in his own Name or Right, or in Truſt for him, or in his Wife's Right, in the ſame County, a Freehold in Lands, Meſſuages or

A.D. 1786. Inde. U. S. X.

Tenements, or of Rents in Fee, or for Life, of the Value of *Sixty Pounds*, free of all Repriſes, Debts, Demands or Incumbrances whatſoever; and in the Cities of *New-York*, *Albany* or *Hudſon*, a Freehold of the Value aforeſaid, or a perſonal Eſtate of the like Value, free from all Repriſes, Debts, Demands or Incumbrances whatſoever. And all Men having ſuch Eſtates as aforeſaid, are hereby enabled and made liable to be returned and to ſerve as Jurors for the Trials of Iſſues before the Judges, Juſtices and Courts aforeſaid: And if any Man, not ſo qualified, ſhall be returned upon any ſuch Jury, or Tales in Default of ſuch Jurors, it ſhall be good Cauſe of Challenge to the Juror not ſo qualified; and ſuch Perſon, ſo returned, ſhall be diſcharged upon ſuch Challenge, or his own Allegation and Oath thereof. And to the End that Jurors ſo qualified may be always returned, the Writs of *Venire Facias Juratores*, which ſhall at any Time hereafter be awarded and iſſued for the impanelling of Juries within any of the Counties of this State, except the County of *New-York*, ſhall have, in the Body thereof, the Words following; *That is to ſay*, "Twelve free and lawful Men of your County, "each of whom ſhall have, in his own Name or Right, or in Truſt for "him, or in his Wife's Right, a Freehold in Lands, Meſſuages or Tene- "ments, or of Rents in Fee, or for Life, of the Value of *Sixty Pounds*, "free from all Repriſes, Debts, Demands or Incumbrances whatſoever;" and in the City and County of *New-York*, the Words following; *That is to ſay*, "Twelve free and lawful Men of your City and County, each "of whom ſhall have in his own Name or Right, or in Truſt for him, or "in his Wife's Right, a Freehold in Lands, Meſſuages, or Tenements, or "a perſonal Eſtate of the Value of *Sixty Pounds*, free of all Repriſes, Debts, "Demands or Incumbrances whatſoever;" and in the Cities of *Albany* and *Hudſon*, for Trials in their reſpective Mayor's Courts, the Words following; *That is to ſay*, "Twelve free and lawful Men of your City, each of whom "ſhall have in his own Name or Right, or in Truſt for him, ‡ *or in Truſt* "*for him*, or in his Wife's Right, a Freehold in Lands, Meſſuages or Tene- "ments, or a perſonal Eſtate of the Value of *Sixty Pounds*, free of all Re- "priſes, Debts, Demands or Incumbrances whatſoever:" And the Reſidue of the ſaid reſpective Writs ſhall be in the uſual Form. And that upon every ſuch Writ and Writs of *Venire Facias Juratores*, the Sheriff, Coroner, or other returning Officer or Officers, in each reſpective City and County, unto whom the making the Panel of Jurors ſhall appertain, ſhall not return any Man in any ſuch Panel, unleſs he ſhall be ſo qualified as aforeſaid.

Words to be inſerted in the *Venires* in the Counties.

In the City of *New-York*.

In *Albany* and *Hudſon*.

‡ *So in the Original.*

Places of Abode and Additions of Jurors to be inſerted in the Panel;

X. *And be it further Enacted by the Authority aforeſaid*, That every Sheriff and other Officer to whom any Writ or Precept of *Venire Facias Juratores* ſhall be directed, for the Trial of Iſſues in the ſaid Supreme Court, or in any of the Courts aforeſaid, except in Caſes where a ſpecial Jury ſhall be ſtruck by Order or Rule of Court, ſhall, upon Return thereof, annex a Panel to the ſame Writ or Precept, containing the Names, Places of Abode, and Additions of a competent Number of Jurors ſo qualified as aforeſaid, to ſerve on Juries, not leſs than Forty-eight, nor more than Seventy-two, without the Direction of the Judge or Judges, Juſtice or Juſtices, before whom ſuch Iſſue is to be tried, who are hereby reſpectively empowered and required, if he or they ſee Cauſe, by Order under his or their Hands reſpectively, to direct a greater or leſs Number; and then ſuch Number as ſhall be ſo directed, ſhall be the Number to be returned on ſuch Jury. And ſuch Sheriff, or other Officer, ſhall return a like Panel, containing the ſame Names, Places of Abode, and Additions to every Writ or Precept of *Venire Facias Juratores*, directed to and returnable by him at the ſame Court, (except in Caſes where a ſpecial Jury ſhall be ſtruck by Order or Rule of Court.) And in order that ſuch Judge or Judges, Juſtice or Juſtices, may be the better enabled to direct, according to the Intent of this Act, what Number

And not leſs than 48 nor more than 72, to be returned, without the Order of a Judge.

Notice of Trial to be given to the Judge.

Number of Jurors are neceſſary to be ſummoned, the Party or Parties in any Cauſe or Cauſes which may be at Iſſue, and to be tried in any of the Courts aforeſaid, or his or their Attorney or Attornies, ſhall, at the ſame Time he or they give Notice of Trial to the Party or Attorney on the other Side, give the like Notice in Writing to the Judge or Judges, or Juſtice or Juſtices, before whom ſuch Suit, Action or Iſſue is to be tried, or is triable.

Panels to be annexed to Writs of *Habeas Corpora Juratorum* or *Diſtringas*, without inſerting the Names of the Jurors in the Body of the Writs.

XI. *And be it further Enacted by the Authority aforeſaid*, That the Names of all the Perſons contained in the Panel annexed to the Writ of *Venire Facias Juratores*, need not be inſerted in the Bodies of the Writs of *Habeas Corpora Juratorum* or *Diſtringas*, ſubſequent to ſuch Writ of *Venire Facias Juratores*; but it ſhall be ſufficient to inſert in the mandatory Part of ſuch Writs of *Habeas Corpora Juratorum*, "The Bodies of the ſeveral Perſons named in the Panel to this Writ annexed," and in the mandatory Part of ſuch Writs of Diſtringas, "The ſeveral Perſons named in the Panel to this Writ annexed," or Words of the like import; and to annex to ſuch Writs reſpectively, Panels, containing the ſame Names, Places of Abode and Additions, as were returned in the Panels to ſuch *Venire Facias Juratores*. And that for the making the Returns and the Panels aforeſaid, and annexing the ſame to the ſaid reſpective Writs, no other Fee or Fees ſhall be taken than ſuch as are now allowed by Law to be taken for the Return of the like Writs and Panels annexed to the ſame. *And further*, That the Parties concerned in any ſuch Trials may have timely Notice of the Jurors who are to ſerve upon ſuch Trials, in order to make their Challenges to them, if there be Cauſe, every Sheriff, or other Officer to whom the Return of the *Venire Facias Juratores*, or other Proceſs againſt them, does or may belong, ſhall, upon Application made to him for that Purpoſe, at any Time within five Days next before the Day on which ſuch Writ or Proceſs is returnable, deliver, or cauſe to be delivered to any Party or Parties in any Cauſe or Iſſue to be tried by ſuch Jurors, or to any Attorney or Agent for any or either of the Parties, a true Copy of ſuch Panel of Jurors, certified under his Hand to have been ſummoned, and whoſe Names ſhall be ſo inſerted in the Panel annexed or to be annexed to ſuch Writ or Proceſs, with their reſpective Places of Abode and Additions; ſuch Perſon or Perſons ſo applying for the ſame, paying therefor to ſuch Sheriff or other returning Officer giving the ſame, the Sum of *Two Shillings*, and no more.

Sheriffs to deliver Copies of Panel to the Parties, five Days before Trial, if required,

On Payment of 2s.

Jurors to be ſummoned ſix Days before the Trial.

XII. *And be it further Enacted by the Authority aforeſaid*, That every Summons of any Perſon ſo qualified to any the Services aforeſaid, ſhall be made by the Sheriff or other returning Officer, or his lawful Deputy, ſix Days at the leaſt before the Day on which the Perſon ſo ſummoned as a Juror, ought to make his Appearance.

Sheriffs annually to procure a Liſt of Perſons qualified to ſerve as Jurors.

XIII. AND to the End that the reſpective Sheriffs may be the better enabled to ſummon Jurors, qualified according to the Intent and Direction of this Act; *Be it further Enacted by the Authority aforeſaid*, That it ſhall be, and it is hereby made the Duty of the Sheriff of the City and County of *New-York*, and of each and every Sheriff of each of the other Counties of this State, at their own Expence reſpectively, yearly and every Year, to procure a Liſt of the Freeholders and others in their reſpective Bailiwicks, qualified to ſerve as Jurors on Trials.

No Perſon to be returned as a Juror that has ſerved within one Year before, except on ſtruck Juries, and in Mayors Courts.

XIV. *And be it further Enacted by the Authority aforeſaid*, That no Man ſhall be ſummoned or returned as a Juror to ſerve on Trials, unleſs upon ſtruck Juries, at any of the Courts aforeſaid, who hath, or ſhall have ſerved therein, within the Space of one Year before, the ſaid ſeveral Mayors Courts excepted. And if any Sheriff, or his Deputy, ſhall wilfully tranſgreſs therein,

A. D. 1786. Indc. *U. S.* X.

therein, the Court to which ſuch Return ſhall be made, is hereby authoriſed and required, on Examination and Proof of ſuch Offence, to ſet a Fine upon ſuch Offender for every ſuch Offence, not exceeding *Forty Shillings*.

Penalty on Sheriffs and other Officers for taking any Reward to excuſe any Man from ſerving on Juries.

XV. *And be it further Enacted by the Authority aforeſaid*, That no Sheriff or other Officer, to whom any Writ or Precept for ſummoning any Jury or Inqueſt ſhall be directed, or any Bailiff, or Deputy of any ſuch Sheriff or Officer, ſhall, directly or indirectly, take, accept or receive any Money or other Reward, to excuſe any Man from ſerving, or being ſummoned to ſerve on any Jury or Inqueſt, or under that Colour or Pretence, on Pain of forfeiting *Fifty Pounds* for every ſuch Offence; the one Moiety thereof to the People of the State of *New-York*, and the other Moiety thereof to any Perſon who ſhall proſecute for the ſame to Effect, and to be recovered, with Coſts of Suit, in the Inferior Court of Common Pleas of the County, or any of the ſaid Mayors Courts, where the Offence ſhall have been committed, by Action of Debt, Bill, Plaint or Information, wherein no Eſſoin ſhall be allowed, nor more than one Imparlance.

How Jurors are to be choſen on Trials.

XVI. *And be it further Enacted by the Authority aforeſaid*, That upon all Trials in any of the Courts aforeſaid (except for capital Offences, or by ſtruck Juries, or where Views ſhall have been had) the Name of each and every Man who ſhall be ſummoned and impanelled as a Juror upon ſuch Trial, with his Place of Abode, and Addition, ſhall be written on ſeveral and diſtinct Pieces of Paper or Parchment, being all as near as may be of equal Size, and ſhall be delivered unto the Clerk of the Court in which ſuch Trial is to be had, by the Sheriff, or other Officer who ſhall have returned ſuch Jury, or his Deputy or Agent, and ſhall, by Direction and Care of ſuch Clerk, be rolled up, all as near as may be in one and the ſame Manner, and put together into a Box, to be by each reſpective Sheriff provided for that Purpoſe; and when the Cauſe, or any Cauſe or Iſſue, for the Trial whereof they are returned as Jurors, ſhall be brought on to be tried, the Clerk of the Court, or ſome other indifferent Perſon, by Direction of the Court, ſhall, in open Court, draw out Twelve of the ſaid Papers or Parchments, one after another; and if any Man whoſe Name ſhall be ſo drawn, ſhall not appear, or be challenged and ſet aſide, then ſuch further Number thereof ſhall be drawn, as ſhall make up the Number *Twelve* who do appear, after all Cauſes of Challenge allowed as fair and indifferent. And the ſaid Twelve Men, ſo firſt drawn and appearing, and approved as indifferent, ſhall be ſworn, and be the Jury to try ſuch Cauſe or Iſſue, and their Names ſhall be marked in the Panel; and the Names of the Men ſo drawn and ſworn, ſhall be kept apart by themſelves, in ſome other Box, to be provided as aforeſaid, and kept for that Purpoſe, until ſuch Jury ſhall have given in their Verdict, and the ſame is recorded, or until ſuch Jury ſhall, by Conſent of the Parties, or Leave of the Court, be diſcharged, and then the ſaid Names ſhall be rolled up again, and returned to the former Box, there to be kept with the other Names remaining at that Time undrawn; and ſo it ſhall be done as often as any Cauſe or Iſſue remains then to be tried: But the Names of ſuch as ſhall at any Time be drawn, and ſhall not appear, or be challenged and ſet aſide, ſhall, immediately after the Jury in ſuch Caſe be ſworn, be rolled up again, and returned to the ſame Box with the Names at that Time undrawn. And if any Cauſe or Iſſue ſhall be brought on to be tried in any of the ſaid Courts reſpectively, before the Jury, in any other Cauſe or Iſſue, ſhall have brought in their Verdict, or be diſcharged, it ſhall and may be lawful for the Court to order a Jury to be drawn in Manner aforeſaid, out of the Names then remaining in the ſaid firſt mentioned Box, for the Trial of ſuch Cauſe or Iſſue which ſhall be ſo brought on to be tried.

XVII. *And*

A. D. 1786. Inde. *U. S.* X.

XVII. *And be it further Enacted by the Authority aforeſaid*, That every Grand or Petit Juror, Conſtable or other Officer, whoſe Duty it is to attend any of the Courts of Record in this State, who ſhall refuſe or neglect to attend according to his Duty, ſhall be liable to be fined by ſuch Court, in a Sum not exceeding *Ten Pounds*; and in every Caſe where ſuch Fine ſhall be impoſed by any of the ſaid Courts, ſuch Court ſhall immediately cauſe public Proclamation of ſuch Fine, to be made by the Crier of the Court; and if ſuch delinquent Juror, Conſtable or other Officer, who ſhall be fined as aforeſaid, ſhall not, during the Term or Sitting of the ſaid Court in which ſuch Fine ſhall be impoſed, ſhew a ſatisfactory Reaſon or Excuſe to the ſaid Court, for his Default or Non-Attendance, then ſuch Fine, ſo impoſed, ſhall be eſtreated into the Court of Exchequer, in order that the ſame may be levied and paid into the Treaſury, for the Uſe of the People of this State.

Penalty on Jurors, Conſtables and other Officers, for not attending their Duty.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That in any Actions brought or to be brought in the Supreme Court, or in any of the Inferior Courts of Common Pleas, in either of the Counties of this State, or in either of the ſaid Mayor's Courts, where it ſhall appear to the Court in which ſuch Actions are or ſhall be depending, that it will be proper and neceſſary, that the Jurors who are to try the Iſſues in any ſuch Actions ſhould have a View of the Meſſuages, Lands or Place in Queſtion, in order to their better underſtanding the Evidence that will be given upon the Trials of ſuch Iſſues, in every ſuch Caſe the ſaid reſpective Courts, in which ſuch Actions are or ſhall be depending, may order ſpecial Writs of *Diſtringas*, or *Habeas Corpora Juratorum*, to iſſue, by which the Sheriff or other Officer to whom the ſaid Writ ſhall be directed, ſhall be commanded to have Six out of the firſt Twelve of the Jurors named in the Panel annexed to ſuch Writ, or ſome greater Number of them, at the Place in Queſtion, ſome convenient Time before the Trial; who then and there ſhall have the Matters in Queſtion ſhewn to them by two Perſons in the ſaid Writs named, to be appointed by the Court; and the Sheriff or other Officer who is to execute the ſaid Writs, ſhall, by a ſpecial Return upon the ſame, certify that the View hath been had according to the Command of the ſaid Writs; and in ſuch Caſe, if there is not a ſtruck Jury in ſuch Cauſe, and the Parties, or their Agents or Attornies on both Sides, ſhall not mutually agree, by Writing under their Hands, on the Jurors who are to have the View, the Names of all the Jurors returned for the Trial of ſuch Caſe, with their Places of Abode and Additions, ſhall be written on ſeveral and diſtinct Pieces of Paper or Parchment, and rolled up and put into a Box as aforeſaid, in the Preſence and by the Direction of one of the Judges of the Court in which ſuch Cauſe is or ſhall be depending, and then the Names of ſo many of them as ſhall be neceſſary to go upon the View, but not leſs than Six ſhall be drawn out, one after another, in the Preſence of ſuch Judge; and the Names of the Jurors ſo mutually agreed upon, or ballotted as aforeſaid, with their Places of Abode and Additions, ſhall be firſt written on the Panel to be annexed to ſuch Writs of *Habeas Corpora Juratorum* or *Diſtringas*; and the Names of the Reſidue of the Jurors returned for the Trial of ſuch Cauſe, with their Places of Abode and Additions, ſhall be written on ſuch Panel, immediately following the Names of the Jurors ſo agreed upon or ballotted for the View, in the ſame Order they may ſtand in the Panel annexed to the *Venire Facias*: And when ſuch Cauſe is brought on to be tried, ſuch of the ſaid Jurors as ſhall have had the View, and do appear, ſhall be firſt ſworn upon the Jury to try the ſaid Cauſe, before any Drawing, and then ſo many more ſhall be drawn as aforeſaid, to be added to the Viewers who appear, as ſhall, after all Defaults and Challenges allowed, make up the Number Twelve, to be ſworn for the Trial of ſuch Cauſe. *And further*, That in all other Caſes where any of the Jurors ſhall have had the View of the Premiſes in Queſtion or Demand, by Virtue of any Writ, original

Courts to order a View where neceſſary.

Special Writs to be ordered.

Manner of appointing the Jurors who are to have the View.

Jurors who have had the View, to be firſt ſworn.

A. D. 1786. Inde. *U. S.* X.

original or judicial, ſuch of the Jurors as ſhall have had the View, and do appear, and are not challenged, or found unexceptionable, ſhall be firſt ſworn, and only ſo many drawn or ballotted, as to make up the Number Twelve.

The Courts to order a ſtruck Jury on Motion.

XIX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Supreme Court, and the ſeveral Inferior Courts and Mayors Courts herein before mentioned, upon Motion in Behalf of the People of this State, or of any Proſecutor or Defendant in any Indictment or Information, other than for capital Offences, or of any Plaintiff, Demandant, Avowant, Defendant, or Tenant, in any Action, Cauſe or Suit whatſoever, depending or to be had, brought, proſecuted, or carried on, in any of the ſaid Courts, and triable by a Jury of Twelve Men, to order and appoint a Jury to be ſtruck for the Trial thereof; and in

Mode of ſtriking a Jury.

ſuch Caſe the ſaid Courts ſhall order the Sheriff of the proper County, or other Officer who ought to impanel the Jury in ſuch Caſe, to bring into the Office of the Clerk of the ſaid Court, at a certain Day, a Book, containing the Names of the ſeveral Perſons in his County or Bailiwick, qualified to ſerve as Jurors on ſuch Trial, with their Places of Abode and Additions; and after the Return of ſuch Book, the Party applying for ſuch ſtruck Jury, ſhall give due Notice to the oppoſite Party, and to the Clerk of the ſaid Court, or his Deputy, of the Time and Place of ſtriking ſuch Jury; at which Time and Place, the Clerk of the ſaid Court, or his Deputy, ſhall attend with the ſaid Book, and ſhall, in the Preſence of the Parties, or ſuch of them as ſhall attend for that Purpoſe, copy out of the ſaid Book, the Names of Forty-eight ſuch Perſons, with their Places of Abode and Additions, as he ſhall think moſt indifferent between the Parties, and beſt qualified to try ſuch Cauſe or Iſſue; and then the Party applying for ſuch ſtruck Jury, or his Agent or Attorney, ſhall firſt ſtrike out one of the ſaid Names, and then the oppoſite Party, or his Agent or Attorney, another; and ſo, alternately, until each ſhall have ſtruck out Twelve: But if ſuch oppoſite Party ſhall not attend ſuch ſtriking, nor any Perſon in his Behalf, then the ſaid Clerk, or his Deputy, ſhall ſtrike for the Party not attending; and when each have ſtruck out Twelve, as aforeſaid, the remaining Twenty-four ſhall be the Jury to be returned to try the ſaid Cauſe or Iſſue: And the Clerk of the ſaid Court, or his Deputy, ſhall thereupon make a fair Copy of the Names of the ſame remaining Twenty-four Perſons, with their Places of Abode and Additions, and certify the ſame under his Hand, to be the Liſt of Jurors, ſtruck as aforeſaid, for the Trial of ſuch Cauſe or Iſſue; which Liſt ſhall be delivered to the Sheriff, or other Officer, who ought to ſummon ſuch Jury, together with the *Venire Facias;* and ſuch Sheriff, or other Officer, ſhall thereupon annex the ſame Liſt to ſuch *Venire Facias*, and return the ſame as the Panel of the Jury to try ſuch Cauſe or Iſſue, and ſummon them according to the Command of the ſame Writ: And upon the Trial of ſuch Cauſe or Iſſue, there ſhall be no ballotting, but the Jurors ſo ſtruck ſhall be called as they ſtand upon the Panel, and the firſt Twelve of them who ſhall appear and are not challenged, or ſhall be found duly qualified and indifferent, ſhall be the Jury, and be ſworn to try the ſaid Cauſe or Iſſue; but the Perſon or Party who ſhall apply for ſuch ſtruck Jury, ſhall bear and pay the Fees for ſtriking thereof, and ſhall not have any Allowance for the ſame, upon the Taxation of Coſts.

Fees for ſtriking a Jury to be paid by the Party applying for ſuch Jury.

Qualification of Jurors in capital Caſes.

XX. *And be it further Enacted by the Authority aforeſaid*, That no Sheriff or other Officer, to whom the Return of Juries ſhall or may at any Time belong, ſhall impanel or return any Perſon or Perſons, to ſerve on any Jury for the Trial of any capital Offence, who, at the Time of ſuch Return, would not be qualified by Virtue of this Act to ſerve as Jurors in Civil Cauſes in the Supreme Court; and the ſame Matter and Cauſe alledged by Way of Challenge,

Challenge, and ſo found, ſhall be admitted and taken as a principal Challenge, and the Perſon and Perſons ſo challenged, ſhall and may be examined on Oath of the Truth of ſuch Matter.

In what Caſes one Half the Jury ſhall be Citizens and the other Half Aliens.

XXI. *And be it further Enacted by the Authority aforeſaid*, That all Manner of Juries and Inqueſts hereafter to be taken or made between Aliens and Citizens of any of the United States of *America*, be they Merchants or others, in any Court, or before any Juſtice or Juſtices, and whether this State be Party, or intereſted, or not, except in Caſes of Treaſon, the one Half of the Jury or Inqueſt ſhall be Citizens of this State, and qualified by this Act to ſerve on ſuch Juries or Inqueſts, and the other Half of Aliens, if ſo many Aliens and Foreigners be in the City, County or Place where ſuch Jury or Inqueſt is to be taken or made, who be not Parties, nor with the Parties in the Contracts, Pleas, Quarrels or Offences whereof ſuch Juries or Inqueſts are or ought to be taken: And if there be not ſo many Aliens or Strangers, then there ſhall be put on ſuch Juries or Inqueſts, as many Aliens and Strangers as ſhall be found in the ſame City, County or Place, which be not thereto Parties, nor with the Parties as aforeſaid, and the Remnant of Citizens of this State qualified by this Act to ſerve on ſuch Juries or Inqueſts, and who ſhall be good Men, and not ſuſpicious to the one Party, nor to the other.

Challenges made by Proſecutor for the State, to be tried in the ſame Manner as the Challenges of other Parties.

XXII. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where the Attorney-General of this State, in Behalf of this State, or he who ſhall in any Caſe proſecute for the People of this State, ſhall challenge any Juror as not indifferent, or for any other Cauſe, he who ſhall make any ſuch Challenge, ſhall immediately aſſign and ſhew the Cauſe of ſuch Challenge, and the Truth thereof ſhall be enquired of and tried, in the ſame Manner as the Challenges of other Parties are or ought by Law to be enquired of and tried.

Circuit Courts may order a *Tales de Circumſtantibus*.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That the Juſtices or Juſtice of the Supreme Court before whom any Trial ſhall be brought at any of the ſaid Circuit Courts, by Virtue of any Writ, with a *Niſi Prius*, where a full Jury ſhall not appear, or after Appearance of a full Jury, by Challenge the Jury is like to remain untaken for Default of Jurors, ſhall have Authority, by Virtue of this Act, upon Requeſt made for the People of the State of *New-York*, by any authoriſed thereunto, or aſſigned by the Juſtices or Juſtice of the Court before whom the Inqueſt is to be taken, or upon Requeſt made by any Party who proſecutes as well for the People of this State, as for himſelf, in any Caſe, or upon Requeſt made by the Parties, Plaintiff, Demandant or Avowant, or Tenant or Defendant, or his or their Attorney, to command the Sheriff, or other Officer to whom the making the Return of the ſaid Writs ſhall appertain, to name and appoint, as often as Need ſhall require, ſo many of ſuch other able Perſons of the ſaid County, qualified to ſerve on ſuch Juries, according to the Intent of this Act, then preſent at ſuch Circuit Court, and to add and annex their Names to the former Panel, as ſhall make up a full Jury of Twelve Men, for the Trial of every ſuch Iſſue; and every of the Parties ſhall and may have his or their Challenge to the Jurors ſo named, added and annexed to the ſaid former Panel, by the ſaid Sheriff or other Officer, in ſuch wiſe as if they had been impanelled upon the *Venire Facias* awarded to try the ſaid Iſſue; and the ſaid Juſtices or Juſtice ſhall and may proceed to the Trial of every ſuch Iſſue, with thoſe Jurors that were before impanelled and returned, and with thoſe newly added and annexed to the ſaid former Panel by Virtue of this Act, in ſuch wiſe as he or they might or ought to have done, if all the ſaid Jurors had been returned upon the Writ of *Venire Facias* awarded to try ſuch Iſſue. *And further*, That all and every ſuch Trial ſhall be as good and effectual in the Law, to all Intents, Conſtruc-

tions

A. D. 1786. Inde. *U. S.* X.

tions and Purpoſes, as if ſuch Trial had been had and tried by Twelve of the Jurors impanelled and returned upon the Writ of *Venire Facias* awarded to try ſuch Iſſue: And in Caſe ſuch Perſons as the ſaid Sheriff or other Officer ſhall name and appoint as aforeſaid, or any of them, after they ſhall be called, be preſent, and do not appear, or after his or their Appearance, do wilfully withdraw him or themſelves from the Preſence of the Court, that then ſuch Juſtices or Juſtice ſhall and may ſet ſuch Fine upon every ſuch Juror making Default, or wilfully withdrawing himſelf as aforeſaid, as ſuch Juſtices or Juſtice ſhall think good by his or their Diſcretion; the ſame Fine to be levied in ſuch Manner and Form as Iſſues forfeited and loſt by Jurors for Default of their Appearance, are or ought by Law to be levied.

Juror taking any Thing to give his Verdict to forfeit *Ten* Times as much.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That if any Jurors ſworn for the Trial of any Iſſues, or in any Aſſiſes, or other Inqueſts to be taken between the People of the State of *New-York*, and any Party, or between Party and Party, ſhall take any Thing, by them or other of the Party Plaintiff or Defendant, or of any other, to give their Verdict, and thereof be found guilty, in any Court of Record, either at the Suit of the Party that will ſue for himſelf, or for the People of the State of *New-York*, or any other Perſon, by original Writ, Bill or Plaint, every of the ſaid Jurors ſhall pay ten Times as much as he hath taken, with the Coſts of Suit; and he that will ſue, ſhall have the one Half, and the People of the State of *New-York* the other Half; and that all the Embraceors that bring or procure ſuch Jurors or Inqueſts to take Gain or Profit, ſhall be puniſhed in the ſame Manner and Form as the Jurors: And if the Party to the Plea ſhall bring any ſuch Suit or Action, and ſhall recover therein, he ſhall alſo recover his Damages, by the Aſſeſſment of the Inqueſt: And if the Juror or Embraceor ſo found guilty, ſhall not have whereof to make Satisfaction in the Manner aforeſaid, he ſhall be impriſoned for one Year.

Embraceors puniſhed in like Manner.

Jurors not compelled to give a general Verdict.

XXV. *And be it further Enacted by the Authority aforeſaid*, That no Jury, upon any Trial hereafter to be had, ſhall in any Caſe be compelled to give a general Verdict, ſo that they find a ſpecial Verdict, and ſhew the Truth of the Fact, and require the Aid of the Court or Juſtices: But if they, of their own Will, do give a general Verdict, their Verdict ſhall be admitted at their own Peril.

Firemen exempted from ſerving on Juries.

XXVI. *Provided always*, That this Act ſhall not extend to compel any Fireman of the City of *New-York*, or of the City of *Albany*, or of the Townſhip of *Brooklyn*, in *King*'s County, lawfully appointed, or to be appointed, to ſerve as Jurors in any Caſe whatſoever.

Former Laws repealed.
† *7th Seſſ. Ch.* 41.
‡ *8th Seſſ. Ch.* 20.

XXVII. *And be it further Enacted by the Authority aforeſaid*, That the Act, entitled, † *An* Act *concerning the Circuit Courts;* and the Act, entitled, ‡ *An* Act *to puniſh delinquent Jurors, Conſtables and other Perſons;* and all the Laws of the late Colony of *New-York*, relating to Jurors, ſhall be, and hereby are repealed.

CHAP. XLII.

An ACT *making Proviſion for Officers, Soldiers, and Seamen, who have been diſabled in the Service of the United States.*

Paſſed 22d April, 1786.

WHEREAS the United States in Congreſs aſſembled, by their Act of the 7th of *June*, 1785, did reſolve in the Words following, *to wit:*

Act of Congreſs relative to Officers, Soldiers and Seamen diſabled in the Service.

" *Reſolved*, That it be, and it is hereby recommended to the ſeveral States, " to make Proviſion for Officers, Soldiers, or Seamen, who have been " diſabled in the Service of the United States, in the following Manner, *viz.*

" *Firſt.* A

A. D. 1786. Indc. U. S. X.

" *Firſt.* A complete Liſt ſhall be made out, by ſuch Perſon or Perſons as " each State ſhall direct, of all the Officers, Soldiers or Seamen, reſident " in their reſpective States, who have ſerved in the Army or Navy of " the United States, or in the Militia in the Service of the United States, " and have been diſabled in ſuch Service, ſo as to be incapable of Military " Duty, or of obtaining a Livelihood by Labour. In this Liſt ſhall be " expreſſed, the Pay, Age, and Diſability of each Invalid, alſo the Regi- " ment, Corps, or Ship to which he belonged, and a Copy of the ſame " ſhall be tranſmitted to the Office of the Secretary at War, within one " Year after each State ſhall paſs a Law for this Purpoſe, and a like deſcrip- " tive Liſt of the Invalids reſident in the reſpective States, ſhall, from Year " to Year, be annually tranſmitted to the Office of the Secretary at War.

" *Second.* No Officer, Soldier or Seamen, ſhall be conſidered as an Invalid, " or entitled to Pay, unleſs he can produce a Certificate from the com- " manding Officer or Surgeon of the Regiment, Ship, Corps or Company " in which he ſerved, or from a Phyſician or Surgeon of a Military Hoſpital, " or other good and ſufficient Teſtimony, ſetting forth his Diſability, and " that he was thus diſabled while in the Service of the United States.

" *Third.* That all commiſſioned Officers within the aforeſaid Deſcription, " diſabled in the Service of the United States, ſo as to be wholly incapable of " Military Duty, or of obtaining a Livelihood, be allowed a yearly Penſion, " equal to Half of their Pay reſpectively. And all commiſſioned Officers as " aforeſaid, who ſhall not have been diſabled in ſo great a Degree, be " allowed a yearly Penſion, which ſhall correſpond with the Degree of their " Diſability, compared with that of an Officer wholly diſabled. That all " non-commiſſioned Officers and Privates, within the aforeſaid Deſcription, " diſabled in the Service of the United States, ſo as to be wholly incapable " of Military or Garriſon Duty, or of obtaining a Livelihood by Labour, " be allowed a Sum not exceeding *Five Dollars* per Month: And all non- " commiſſioned Officers and Privates, as aforeſaid, who ſhall not have been " diſabled in ſo great a Degree, be allowed ſuch a Sum as ſhall correſpond " with the Degree of their Diſability, compared with that of a non-com- " miſſioned Officer or Private wholly diſabled.

" *Fourth.* That each State appoint one or more Perſons of ſuitable " Abilities to examine all Claimants, and to report whether the Perſon " producing a Certificate ſetting forth that he is an Invalid, be ſuch in Fact; " and if ſuch, to what Pay he is entitled; and thereupon the Perſons " appointed to make ſuch Enquiry, ſhall give to the Invalid a Certificate, " ſpecifying to what Pay he is entitled, and tranſmit a Copy to the Perſon " who may be appointed by the State to receive and record the ſame.

" *Fifth.* That each State be authoriſed to pay to the commiſſioned " Officers, non-commiſſioned Officers and Privates, the Sum or Sums to " which they ſhall be reſpectively entitled, agreeably to the before men- " tioned Certificates; the ſaid Payments to be deducted from the reſpective " Quotas of the States for the Year on which they ſhall be made. *Provided,* " That no Officer who has accepted his Commutation for Half Pay, ſhall " be entered on the Liſt of Invalids, unleſs he ſhall have firſt returned " his Commutation.

" *Sixth.* That any State may form ſuch Invalids under the aforeſaid " Deſcription as are Citizens of the ſame, and are capable of Garriſon Duty, " into Corps, to be employed in guarding Military Stores, aiding the Police, " or otherwiſe, as the State may direct.

" *Seventh.* That when Invalids ſhall be formed into Corps, there be " quarterly Returns, comprehending the Pay, Age, Diſability, Regiment,

A. D. 1786. Inde. U. S. X.

"Ship, or Corps to which they ſeverally belonged, made out and ſigned by "their commanding Officer, and tranſmitted to ſuch Perſon or Perſons as "the State ſhall direct, that their Pay may be ordered according to ſaid "Returns.

"*Eighth.* That all Invalids, as well thoſe formed into Corps, as thoſe "who are not, ſhall annually apply themſelves to a Magiſtrate of the "County in which they reſide, or may be ſtationed, and take the follow-"ing Oath, *viz.*

"A. B. *came before me, one of the Juſtices for the County of in the "State of and made Oath, That he was examined by "appointed by the ſaid State (or Commonwealth) for that Purpoſe, obtained a "Certificate, or had his Certificate examined and counterſigned, ſetting forth that "he had ſerved in that he was diſabled by and that "he now lives in the and in the County of*

"*Ninth.* That the Affidavits, drawn according to the above Form, and "dated and atteſted by a Magiſtrate, be ſent by the ſaid Magiſtrate, to the "Perſon or Perſons appointed by the State to receive and record the ſame; "and that a Counterpart of the Affidavit be preſerved by the Perſon taking "it, to be exhibited to ſuch Perſons as ſhall be appointed by the State to "pay the Invalids."

Perſons appointed to examine Claimants for Relief,

I. THEREFORE, in order to comply with the ſaid Act of Congreſs; *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Governor, or Perſon adminiſtring the Government of this State for the Time being, *Richard Varick* and *Richard Platt*, Eſquires, or any two of them, in the City of *New-York*, and *Abraham Ten Broeck*, *Peter Ganſevoort*, Junior, and *Philip Schuyler*, Eſquires, or any two of them, in the City of *Albany*, be, and they hereby are authoriſed and empowered to examine all Perſons reſident in this State, and claiming Relief under the ſaid Act of Congreſs, whether the Perſon producing a Certificate that he is an Invalid, be ſuch in Fact, and if ſuch, to what Pay (upon the Principles of the ſaid Act of Congreſs) he is entitled; and ſhall thereupon give to ſuch Invalid a Certificate, ſpecifying to what Pay he is entitled, and tranſmit a Copy thereof to the Auditor of this State for the Time being, who is hereby directed to receive and record the ſame. *Provided always,* That it ſhall and may be lawful to and for the Perſons above deſignated and named, or any two of them, to call to their Aſſiſtance ſuch and ſo many Surgeons and Phyſicians, as they may, from Time to Time, think proper, and to examine any ſuch Claimant, and any other Perſon or Perſons whom they may think proper, on Oath or Affirmation, concerning any ſuch Claim.

And grant Certificates to ſuch as are entitled thereto.

Auditor to record Certificates.

Invalids annually to take an Oath.

II. *And be it further Enacted by the Authority aforeſaid,* That all ſuch Invalids as may reſide within this State, ſhall, annually, between the firſt Day of *April* and the firſt Day of *June*, apply themſelves to a Magiſtrate of the County in which they reſpectively reſide, or may be ſtationed, and take an Oath in Subſtance as contained in the following Form of an Affidavit, *to wit:*

Form of the Oath.

A. B. *came before me, one of the Juſtices for the County of in the State of* New-York, *and made Oath, That he was examined by appointed by the ſaid State for that Purpoſe, obtained a Certificate, or had his Certificate examined and counterſigned, ſetting forth that he had ſerved in that he was diſabled by and that he now lives in the and in the County of*

III. *And*

A. D. 1786. Inde. *U. S. X.*

III. *And be it further Enacted by the Authority aforeſaid*, That the Affidavits ſo drawn according to the above Form, and dated and atteſted by the Juſtice before whom the ſame may be taken, ſhall be ſent by the ſaid Juſtice to the Auditor of this State for the Time being, who is hereby required to receive and record the ſame: And that a Counterpart of ſuch Affidavit be delivered by the ſaid Juſtice to the Perſon making the ſame, to be by him exhibited to the Treaſurer of this State.

Affidavits to be ſent to the Auditor, And a Counterpart to the Deponent, to be delivered to the Treaſurer.

IV. *And be it further Enacted by the Authority aforeſaid*, That the Auditor of this State for the Time being, be, and he hereby is required and directed, to make out a complete Liſt of all ſuch diſabled Officers, Soldiers and Seamen, reſident in this State, who, according to the Tenor of the ſaid Act of Congreſs, are to be conſidered as Invalids, and entitled to Penſions; in which Liſt ſhall be expreſſed, the Pay, Age and Diſability of each Invalid, alſo the Regiment, Corps, or Ship to which he belonged: One Copy of which Liſt the ſaid Auditor ſhall, as ſoon as may be, tranſmit to the Office of the Secretary at War, and another to the Treaſurer of this State. *And further*, That the Auditor of this State for the Time being, ſhall, yearly and every Year, tranſmit to the Office of the Secretary at War, a like deſcriptive Liſt of the Invalids reſident in this State, and a Copy thereof to the Treaſurer of this State.

Auditor to make Liſts of Invalids entitled to Penſions,

And tranſmit a Copy thereof to the Secretary at War, and another to the Treaſurer.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Treaſurer of this State for the Time being, on the firſt Monday of *June* in every Year, or as ſoon thereafter as may be, upon having received from the Auditor of this State, the Liſt herein before directed to be delivered him, to pay to the ſaid Invalids, the Penſions or Sums to which they ſhall be reſpectively entitled, according to the Certificates and Liſts aforeſaid; the ſaid Invalids firſt exhibiting to the Treaſurer, the Affidavits in the Form aforeſaid, by them reſpectively made in the Month of *April*, or Month of *May* then laſt paſt, and to charge ſuch Sum or Sums ſo paid, to the United States, to be deducted from the Quotas of this State, agreeably to the above recited Act. *Provided always*, That the ſaid Treaſurer ſhall not pay any of the ſaid Invalids for any Period for which they reſpectively may have been ſettled with, in Purſuance of any former Law of this State.

When the Treaſurer ſhall pay the Penſions.

VI. *And be it further Enacted by the Authority aforeſaid*, That the Act, entitled, † *An* Act *to carry into Execution certain Reſolutions of Congreſs, making Proviſion for Perſons who may become diſabled while in the Service of the United States*, paſſed the 10th of *March*, 1779; and the Act, entitled, ‡ *An* Act *for making further Proviſion for Perſons who have or may become diſabled while in the Service of the United States*, paſſed the 18th of *March*, 1783, be, and the ſame are hereby repealed, as far as reſpects Penſions or Allowances on Account of Diſability, after the firſt Day of *June* laſt.

† *2d Seſſ. Ch.* 30.

‡ *6th Seſſ. Ch.* 36.

Two Acts reſpecting Invalids repealed.

CHAP. XLIII.

An ACT *for the more effectual Prevention of Fires in the City of* New-York. Paſſed 22d April, 1786.

WHEREAS the ſtoring of Pitch, Tar, Turpentine, Roſin, Spirits of Turpentine, Linſeed Oil, or Shingles, in any Houſes, Store-Houſes, Cellars, or other Places within this City, may be of very bad Conſequence in Caſe of Fire breaking out at or near the Place where any ſuch Commodities are ſtored. *And whereas* the firing and diſcharging of Guns, Piſtols, Rockets, Crackers, Squibs, and other Fire-Works in the City of *New-York*, may not only do perſonal Injury to the Inhabitants and others, but the City be in Danger of being ſet on Fire by ſuch Practices; for Remedy whereof,

Preamble.

I. *Be*

A. D. 1786. Inde. U. S. X.

No Pitch, Tar, Turpentine, Roſin, Spirits of Turpentine, Linſeed Oil, or Shingles, to be put in any Place to the Southward of *Freſh-Water*, Under Penalty of *Ten Pounds*.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the firſt Day of *June* next, no Pitch, Tar, Turpentine, Roſin, Spirits of Turpentine, Linſeed Oil, or Shingles, ſhall or may be put in any Place in the City of *New-York*, to the Southward of *Freſh-Water*, other than in ſuch proper Place or Places as ſhall be appointed and approved of by the Mayor, Aldermen and Commonalty of the City of *New-York*, in Common Council convened, under the Penalty of *Ten Pounds* for every Offence, or Refuſal to remove the ſame, to be levied by Warrant under the Hand and Seal of one or more Juſtices of the Peace for the City and County of *New-York*, by Diſtreſs and Sale of the Goods and Chattels of the Offender, upon due Conviction upon Oath, or upon the View of one or more of ſuch Juſtices of the Peace, rendering the Overplus (if any be) to the Owner: And for Want of ſuch Diſtreſs, the Offender ſhall be impriſoned by Warrant from the ſaid Juſtice or Juſtices, who are hereby empowered and required to Iſſue ſuch Warrant, until Payment as aforeſaid; which ſaid Forfeitures ſhall be paid to the Chamberlain of the City of *New-York* for the Time being, for the Uſe of the Poor of the ſaid City. *Provided always*, That it ſhall and may be lawful to and for ſuch Inhabitants of the ſaid City, who are Ship-Chandlers, to have near their Doors, in the open Street, and not in any Building or Incloſure, a ſmall Quantity of Pitch, Tar, Roſin and Turpentine, not exceeding in the whole, at any one Time, Twenty Barrels, in order the more readily and handily to ſupply the Merchant-Ships and others who may have Occaſion for ſmall Quantities of ſuch Commodities; any Thing herein before contained to the Contrary hereof in any wiſe notwithſtanding.

Ship-Chandlers may have before their Doors in the Street, Pitch, Tar, Roſin and Turpentine, not exceeding 20 Barrels.

Penalty on Perſons firing a Gun, Piſtol, Rocket, Cracker, Squib or other Fire-Work, South of *Freſh-Water*.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons, of what Age, Sex, or Quality ſoever, from and after the ſaid firſt Day of *June* next, ſhall fire and diſcharge any Gun, Piſtol, Rocket, Cracker, Squib, or other Fire-Work, in any Street, Lane or Ally, Garden or other Incloſure, or from any Houſe, or in any other Place where Perſons frequently walk, to the Southward of *Freſh-Water*; that then every ſuch Perſon or Perſons ſo offending, and being thereof convicted before one or more Juſtice or Juſtices of the Peace for the ſaid City and County of *New-York*, either by the Confeſſion of the Party or Parties ſo offending, or the Oath of one or more Witneſs or Witneſſes, (which Oath the ſaid Juſtice or Juſtices of the Peace is and are hereby empowered and required to adminiſter) ſhall, for every ſuch Offence, forfeit the Sum of *Twenty Shillings*; the ſaid Forfeitures to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender, by Warrant under the Hand and Seal of the ſaid Juſtice or Juſtices of the Peace before whom ſuch Conviction or Convictions ſhall be as aforeſaid made; which Forfeiture ſhall be paid to the ſaid Chamberlain, for the Uſe of the Poor of the ſaid City of *New-York*: And if the ſaid Offenders ſhall not pay the ſaid Forfeiture or Forfeitures, upon Conviction as aforeſaid, and Want of ſufficient Diſtreſs whereon the ſame can be made, that then every ſuch Juſtice or Juſtices of the Peace is and are hereby empowered and required, by Warrant under his or their Hands and Seal, to commit every ſuch Perſon or Perſons, ſo as aforeſaid offending, to the common Goal of the City and County of *New-York*, there to remain, without Bail or Mainprize, for the Space of Ten Days, unleſs ſuch Forfeiture or Forfeitures be ſooner paid; but in Caſe ſuch Offender or Offenders in the Premiſes laſt above mentioned, ſhall happen to be a Slave or Slaves, and the Forfeiture or Forfeitures aforeſaid, ſhall not be forthwith paid, that then it ſhall and may be lawful to and for ſuch Juſtice or Juſtices before whom the Conviction ſhall be, to cauſe ſuch Slave or Slaves to be publicly whipped on the naked Back, ſuch Number of Stripes as he or they ſhall think proper, not exceeding Thirty-nine; which Puniſhment ſhall be in Lieu and Stead of the ſaid Forfeiture.

CHAP.

CHAP. XLIV.

A.D. 1786.
Inde. *U. S.* X.

An ACT *for keeping the Highway in that Part of the Manor of* Rensselaerwyck, *called the* Colonie, *in Repair.*

Passed 22d April, 1786.

I. BE *it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful to and for the Overseers of the Highway, to be elected in the Manner herein after mentioned, respectively, from Time to Time, to direct all and every Person and Persons, being Inhabitants of that Part of the West District of the Manor of *Rensselaerwyck*, lying to the Northward of the City of *Albany*, and to the Southward of *Water Vliet*, commonly called the *Colonie*, or holding any Lots of Ground in the same, to clear or clean the Streets or Highways directly opposite to the Lots of Ground owned or possessed by such Person or Persons respectively, to the Middle of such Streets or Highways, and to remove all Fire-Wood, Stones, or any other Thing whatsoever, which may at any Time be placed or conveyed on or into such Part of any such Streets or Highways, which he, she or they, are hereby required to clear and clean, (the necessary Materials for building any Dwelling House only excepted:) And if any such Person or Persons, when thereunto required by the said Overseers, or either of them, shall neglect or refuse for the Space of three Days, being so required, to clear and clean such Streets, or to remove any Fire-Wood, Stones, or other Thing as aforesaid, the Person or Persons shall, for every Day he, she or they shall so neglect or refuse, forfeit and pay the Sum of *Three Shillings*, to be recovered and applied in the Manner herein after directed.

Duty of the Overseers of Highways in *Rensselaerwyck*, to the Northward of the City of *Albany*.

II. *And be it further Enacted by the Authority aforesaid,* That each and every Person, being an Inhabitant of the said *Colonie*, shall, from Time to Time, within two Months after Notice shall be given to them respectively, by the said Overseers, pave, or cause to be paved, with Stones or Pebbles, in such Manner as the said Overseers shall direct, opposite their respective Lots of Ground, the said Streets or Highways, not exceeding fifteen Feet in Breadth; and that all and every Person and Persons, not being an Inhabitant or Inhabitants of the said *Colonie*, but holding or possessing any real Estate, or Lot of Ground therein, shall, within two Months after they shall be respectively required thereunto by any of the said Overseers, lay with Gravel in such Manner as the said Overseers shall direct, not exceeding fifteen Feet, in the Streets or Highways opposite their respective real Estates or Lots of Ground; and if any Person shall neglect or refuse to comply with the Directions of any of the said Overseers, respecting such paving, or laying the Streets or Highways with Gravel, he or she so offending, shall forfeit and pay for every Month he or she shall so neglect or refuse, the Sum of *Twenty Shillings*.

Penalties on Delinquents.

III. *And be it further Enacted by the Authority aforesaid,* That the said Overseers shall, from Time to Time, direct the said Streets or Highways to be levelled by the Persons who are by this Act compelled to clear or clean the same, in such Parts as they are hereby respectively required to clear or clean the same, in such Manner as to the said Overseers shall appear most promotive of public Convenience. And if any Person shall neglect or refuse to comply with the Directions of the said Overseers, given in Pursuance of this Clause, he or she so offending, shall, for every Month he or she shall so neglect or refuse, forfeit the Sum of *Ten Shillings*.

The Streets to be levelled.

Fine for neglect.

IV. *And be it further Enacted by the Authority aforesaid,* That every Person or Persons, who shall ride or drive with any Carriage, or Horse or Horses, through

Penalty for riding or driving faster than a common *Trot* in the Street.

A. D. 1786. Inde. *U. S.* X.

through any of the ſaid Streets or Highways, or any Part thereof, ſo paved or gravelled as aforeſaid, or in any other Part of ſuch Streets or Highways, faſter than a common Trot, ſhall, for every ſuch Offence, forfeit the Sum of *Three Shillings*.

Overſeers how to be elected.

V. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the Freeholders and Inhabitants of the ſaid *Colonie*, at their annual Elections for Town Officers, yearly to elect two Freeholders to be Overſeers of the Highways, to carry this Act into Effect.

Fines and Penalties how recovered and applied.

VI. *And be it further Enacted by the Authority aforeſaid*, That every Fine and Penalty incurred in Purſuance of this Act, ſhall and may be ſued for, and recovered by the Overſeers aforeſaid, in their Names, before any Juſtice of the Peace of the County of *Albany*, and when ſo recovered ſhall be retained by the ſaid Overſeers, to be applied to the ſpecial Purpoſe of conſtructing Bridges in the ſaid *Colonie*, and after ſuch Bridges ſhall be completed, to improving and amending the ſaid Street or Highways, in ſuch Manner as the ſaid Overſeers ſhall, from Time to Time, deem proper.

CHAP. XLV.

Private.

An ACT *for the more effectual draining a certain Tract of Meadow Land in* Newtown, *in* Queen's *County.*

Paſſed 22d April, 1786.

CHAP. XLVI.

Obſolete.
‡ 8*th Seſſ. Ch.* 44.

An ACT *to amend an Act, entitled,* ‡ *An* Act *for building a Court-Houſe and Gaol in* Queen's *County, and for repairing the Court-Houſe and Gaol in* Suffolk *County, and for other Purpoſes.*

Paſſed 25th April, 1786.

CHAP. XLVII.

Private.

An ACT *to naturalize the Perſons therein named.*

Paſſed 25th April, 1786.

CHAP. XLVIII.

Obſolete.

An ACT *acceding to the Acts of Congreſs of the Twenty-ſeventh of* September *and the Twelfth of* October, *One Thouſand Seven Hundred and Eighty-five.*

Paſſed 28th April, 1786.

49.

CHAP. XLIX.

‡ 8*th Seſſ. Ch.* 4.

An ACT *ſupplementary to the Act, entitled,* ‡ *An* Act *to appoint Agents or Commiſſioners for vindicating the Right and Juriſdiction of this State, againſt the Claims of the Commonwealth of the* Maſſachuſetts, *purſuant to the Articles of Confederation and perpetual Union of the United States.*

Paſſed 28th April, 1786.

Preamble.

WHEREAS in and by the Act, entitled, *An* Act *to appoint Agents or Commiſſioners for vindicating the Right and Juriſdiction of this State, againſt the Claims of the Commonwealth of the* Maſſachuſetts, *purſuant to the Articles*

A. D. 1786. Inde. U. S. X.

Articles of Confederation and perpetual Union of the United States, passed the 12th of *November*, 1784, *James Duane*, *John Jay*, *Robert R. Livingston*, *Egbert Benson* and *Walter Livingston*, Esquires, were declared to be Agents for this State, in the Controversy between this State and the Commonwealth of the *Massachusetts*, as mentioned in the said Act. *And whereas* the said *John Jay* and *Walter Livingston*, have informed this Legislature, that they cannot attend the Duties required of them by the said Act, by Reason of the Offices they severally hold under the United States, and have requested to resign their Appointments as Agents in the Controversy aforesaid, whereby it is become necessary that other Persons be appointed in the Place of the said *John Jay* and *Walter Livingston*. Therefore,

Agents appointed.

I. *Be it Enacted by the People of the State of* New-York, *represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That *John Haring*, *Melancton Smith*, *Robert Yates* and *John Lansing*, Junior, Esquires, be, and they are hereby appointed and declared to be Agents in the Place of the said *John Jay* and *Walter Livingston*, for this State, in the Controversy aforesaid.

Credit given to the Agents on the Treasurer.

II. And in order that the said Controversy may be brought to a speedy Issue; *Be it further Enacted by the Authority aforesaid*, That the said *James Duane*, *Robert R. Livingston*, *Egbert Benson*, *John Haring*, *Melancton Smith*, *Robert Yates* and *John Lansing*, Junior, or such of them as shall attend the Trial of the Controversy aforesaid, at the Federal Court appointed to determine the same, have a Credit on the Treasury for a Sum not exceeding *Four Thousand Pounds*, to be paid them by the Treasurer of this State on Account.

Their Powers and Authority.

III. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the said *James Duane*, *Robert R. Livingston*, *Egbert Benson*, *John Haring*, *Melancton Smith*, *Robert Yates* and *John Lansing*, Junior, or any five or more of them, to settle the said Controversy between this State and the Commonwealth of the *Massachusetts*, otherwise than by the said Federal Court, as mentioned in the said Act, in such Manner as they shall judge most conducive to the Interest of this State.

CHAP. L.

‡ *7th Sess. Ch.* 56. *Amended* 10*th Sess. Ch.* 75. *Private.*

An ACT *supplementary to an Act, entitled,* ‡ *An* Act *to appoint Commissioners to settle and adjust any Differences which may arise between the Proprietors of certain Lots in the City of* New-York, *the Buildings whereof were burnt in the Year* 1776, *and for altering the Streets which heretofore were laid out adjoining to such Lots.*

Passed 28th April, 1786.

CHAP. LI.

Private. Will expire 28*th* April, 1793.

An ACT *to promote the Manufactory of Iron.*

Passed 28th April, 1786.

CHAP. LII.

Private.

An ACT *to empower certain Persons therein named, to sell and dispose of the real Estate of* John Aspinwall, *deceased, for the Payment of his Debts, and for other Purposes therein mentioned.*

Passed 28th April, 1786.

CHAP.

A. D. 1786.
Inde. *U. S.* X.

‡ *8th Seſſ. Ch.* 28. *Repealed* 10*th Seſſ. Ch.* 46. *Sec.* 5. *Revived and amended* 10*th Seſſ. Ch.* 79.

CHAP. LIII.

An ACT *ſupplementary to the Act, entitled,* ‡ *An Act to authorize the United States in Congreſs aſſembled, to appoint Commiſſioners to complete the running a certain Line of Juriſdiction therein mentioned, between this State and the Commonwealth of* Maſſachuſetts.

Paſſed 29th April, 1786.

Preamble.

WHEREAS it is repreſented, that great Difficulties will probably occur in aſcertaining on what Angle, from the Magnetic Meridian, the Line of Juriſdiction between this State and the Commonwealth of *Maſſachuſetts*, ſhould be run; to remove which,

Commiſſioners appointed to aſcertain the juriſdiction Line between the Eaſtern Bounds of this State and *Maſſachuſetts*.

Be it Enacted by the People of the State of New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful to and for *Robert Yates*, *Philip Schuyler* and *Gerard Bancker*, Eſquires, or any two of them, with the Aſſiſtance of *John Ewing*, *David Rittenhouſe* and *Thomas Hutchins*, Eſquires, Commiſſioners appointed by the United States in Congreſs, to agree with the Agents of the Commonwealth of *Maſſachuſetts*, on what Principles the ſaid Line ſhall be run; and if ſuch Agreement cannot be effected, then the ſaid *John Ewing*, *David Rittenhouſe* and *Thomas Hutchins*, or any two of them, are hereby authoriſed and empowered to run the ſaid Line in the Direction mentioned in the Act, entitled, *An Act to authoriſe the United States in Congreſs aſſembled, to appoint Commiſſioners to complete the running a certain Line of Juriſdiction therein mentioned, between this State and the Commonwealth of* Maſſachuſetts, paſſed the ſeventh Day of *March*, 1785, on ſuch Principles as to the ſaid *John Ewing*, *David Rittenhouſe* and *Thomas Hutchins*, or any two of them, ſhall appear the moſt accurate to aſcertain the true Direction of the ſaid Line.

CHAP. LIV.

An ACT *to promote Literature.*

Paſſed 29th April, 1786.

Preamble.

WHEREAS it is agreeable to the Principles of natural Equity and Juſtice, that every Author ſhould be ſecured in receiving the Profits that may ariſe from the Sale of his or her Works; and ſuch Security may encourage Perſons of Learning and Genius to publiſh their Writings, which may do Honour to their Country and Service to Mankind.

Authors of Books and Pamphlets to have the ſole Right of printing and publiſhing them, for 14 Years.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Author of any Book or Pamphlet, being an Inhabitant or Reſident in theſe United States, and his or her Heirs and Aſſigns, ſhall have the ſole Liberty of printing, publiſhing and vending the ſame within this State, for the Term of Fourteen Years, to commence from the Day of its firſt Publication in this State; and if any Perſon or Perſons within the ſaid Term of Fourteen Years as aforeſaid, ſhall preſume to print or re-print any ſuch Book or Pamphlet within this State, or to import or introduce into this State for Sale, any Copies of ſuch Book or Pamphlet, re-printed beyond the Limits of this State, or ſhall knowingly publiſh, vend, utter or diſtribute the ſame, without the Conſent of the Proprietor thereof in Writing, ſigned in the Preſence of two credible Witneſſes; every ſuch Perſon or Perſons ſhall forfeit and pay to the Proprietor of ſuch Book or Pamphlet, double the Value of all the Copies of ſuch Book or Pamphlet ſo re-printed, imported, diſtributed, vended or expoſed for Sale, to be recovered by ſuch Proprietor in any Court of Law in this State, proper to try the ſame. *Provided nevertheleſs*, That no Author, Aſſignee or Proprietor of any ſuch Book or Pamphlet, ſhall be entitled to take the Benefit of this Act, until he or ſhe ſhall duly regiſter his

Author's Name and Title of Book to be regiſtered.

or

A. D. 1786. Inde. *U. S.* X.

or her Name, as Author, Aſſignee or Proprietor, with the Title of ſuch Book or Pamphlet, in the Office of the Secretary of this State, who is hereby empowered and directed to enter the ſame on Record.

Author, if living at the Expiration of the 14 Years, entitled to the ſame Privilege other 14 Years.

II. *And be it further Enacted by the Authority aforeſaid*, That at the Expiration of the ſaid Term of fourteen Years, in the Caſes above mentioned, the ſole Right of printing and diſpoſing of any ſuch Book or Pamphlet in this State, ſhall return to the Author thereof, if then living, and his or her Heirs and Aſſigns, for the Term of fourteen Years more, to commence at the End of the ſaid firſt Term; and that all and every Perſon or Perſons who ſhall re-print, import, vend, utter or diſtribute in this State any Copies thereof, without the Conſent of ſuch Proprietor obtained as aforeſaid, during the ſaid ſecond Term of fourteen Years, ſhall be liable to the ſame Penalties, recoverable in the ſame Manner as is herein before enacted and provided.

How Authors are to be compelled to furniſh the Public with ſufficient Editions of their Works at reaſonable Prices.

III. AND *whereas* it is equally neceſſary for the Encouragement of Learning, that the Inhabitants of this State be furniſhed with uſeful Books at reaſonable Prices; *Be it further Enacted by the Authority aforeſaid*, That whenever any ſuch Author or Proprietor of ſuch Book or Pamphlet, ſhall neglect to furniſh the Public with ſufficient Editions thereof, or ſhall ſell the ſame at a Price unreaſonable, and beyond what may be adjudged a ſufficient Compenſation for his or her Labour, Time, Expences and Riſque of Sale, any One of the Judges of the Supreme Court of Judicature of this State, on Complaint made thereof to him in Writing, is hereby authoriſed and empowered to ſummon ſuch Author or Proprietor, to appear at the next Supreme Court of Judicature, and the ſaid Court are hereby authoriſed and empowerd to enquire into the Juſtice of the ſaid Complaint, and if the ſame be found true, to take ſufficient Recognizance and Security of ſuch Author or Proprietor, conditioned that he or ſhe ſhall, within ſuch reaſonable Time as the ſaid Court ſhall direct, publiſh and offer for Sale in this State, a ſufficient Number of Copies of ſuch Book or Pamphlet, at ſuch reaſonable Price as the ſaid Court ſhall, on due Conſideration, affix; and if ſuch Author or Proprietor ſhall neglect or refuſe to give ſuch Security as aforeſaid, the ſaid Court are hereby authoriſed and empowered to give ſuch Complainant a full and ample Licence to re-print and publiſh ſuch Book or Pamphlet, in ſuch Numbers and for ſuch Term as the ſaid Court ſhall judge juſt and reaſonable: *Provided*, Such Complainant ſhall give ſufficient Security before the ſaid Court, to afford ſuch re-printed Edition at ſuch reaſonable Price as the ſaid Court ſhall thereto affix.

Penalty for printing and publiſhing Manuſcripts without Conſent of the Author.

IV. *And be it further Enacted by the Authority aforeſaid*, That any Perſon or Perſons who ſhall procure and print any unpubliſhed Manuſcript, without the Conſent and Approbation of the Author or Proprietor thereof firſt had and obtained, if ſuch Author or Proprietor be living, and reſident in, or Inhabitant of theſe United States, ſhall be liable to pay to the ſaid Author or Proprietor, his or her Damages for ſuch Injury, to be recovered with Coſts, by Action brought on this Act in any Court of Record. *Provided always*, That nothing in this Act ſhall extend to effect, prejudice or confirm the Rights which any Perſon may have to the printing or publiſhing of any Book or Pamphlet, at Common Law, in Caſes not mentioned in this Act; or to authoriſe any Perſon or Perſons to print or publiſh any Book, Pamphlet or Paper that may be profane, treaſonable, defamatory, or injurious to Government, Morals or Religion. *Provided alſo*, That this Act ſhall not extend or be conſtrued to extend in Favour, or for the Benefit of any Author or Perſon reſiding in, or Inhabitant of any other of the United States, until the State in which ſuch Perſon reſides or dwells, ſhall have paſſed ſimilar Laws in Favour of the Authors of ſuch new Publications, and their Heirs and Aſſigns.

A. D. 1786. Inde. *U. S.* X.

Truſtees of the Dutch Church at *Flat-Buſh*, authoriſed to convey Part of their real Eſtate for erecting an Academy.

V. *And be it further Enacted by the Authority aforeſaid*, That the Truſtees of the Reformed Proteſtant Dutch Church of *Flat-Buſh*, in the County of *King*'s, ſhall be, and they are hereby authoriſed to grant, bargain and ſell, in Fee Simple, ſuch Part or Parts of their real Eſtate within the ſaid County, to ſuch Perſon or Perſons, and for ſuch Price or Prices, as they may think proper, for the expreſs Purpoſe of erecting an Academy in the ſaid County. *Provided*, That the Quantity which the ſaid Truſtees ſhall grant and convey by Virtue of this Act, ſhall not exceed ſix Acres.

CHAP. LV.

Private.

An ACT *to aſcertain the South Bounds of the Townſhip of* Beekman, *lying on the Weſt Side of* Lake Champlain.

Paſſed 29th April, 1786.

CHAP. LVI.

Obſolete.

An ACT *for raiſing Monies by Tax.*

Paſſed 29th April, 1786.

CHAP. LVII.

Private.

An ACT *for confirming an Agreement made between* Stephen Van Renſſelaer, Philip Van Renſſelaer, Elizabeth Van Renſſelaer, Eliardus Weſterlo, *and* Catharine *his Wife*, *Executrix*, Abraham Ten Broeck, John H. Ten Eyck, *and* Gerardus Groeſbeck, *Executors of the Teſtament and laſt Will of* Stephen Van Renſſelaer, *deceaſed.*

Paſſed 29th April, 1786.

CHAP. LVIII.

‡ *7th Seſſ. Ch.* 64.

An ACT *further to amend an Act, entitled,* ‡ *An Act for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned.*

Paſſed 1ſt May, 1786.

[*It was conceived to be unneceſſary to print any other than the following Clauſes of this Act, the Reſt being either expired, repealed, obſolete or private.*]

Preamble.

II. AND WHEREAS it is ſuggeſted to the Legiſlature, that there are conſiderable Tracts of Land, and other real Eſtate veſted in the People of this State, by the Conviction or Attainder of divers Perſons which have not yet been diſcovered by the Commiſſioners of Forfeitures; *Be it further Enacted by the Authority aforeſaid*, That when any Perſon or Perſons ſhall, after the paſſing of this Act, diſcover to the Commiſſioner or Commiſſioners of Forfeitures for any Diſtrict of this State, any Lands or other real Eſtate veſted in the People of this State, by the Attainder or Conviction of any Perſon or Perſons whomſoever, it ſhall be lawful for ſuch Perſon or Perſons who ſhall make the Diſcovery of any real Eſtate as aforeſaid, to locate the ſame in Truſt for the Widow (if ſuch attainted or convicted Perſon be dead) and Children, or Children's Children, if any ſuch there be, or otherwiſe for the next of Kindred of ſuch attainted or convicted Perſon, to be divided and diſtributed by the Perſon or Perſons making ſuch Location, in the ſame Manner, and with the like Reſtrictions and Limitations, as if ſuch attainted or convicted Perſon was dead Inteſtate, and as if ſuch Lands or other real Eſtate were perſonal Eſtate, according to the Law for the Diſtri-

Diſcoverer of forfeited Eſtates to locate the ſame in Truſt for the Widow, Children, or next of Kin of the Perſon attainted or convicted.

bution

A. D. 1786. Inde. *U. S.* X.

bution of the perſonal Eſtate of Perſons dying Inteſtate. *Provided always*, That in Caſe ſuch attainted or convicted Perſon be at the Time of ſuch Location, in full Life, the Wife of ſuch attainted or convicted Perſon ſhall have no Share in the Diſtribution to be made as aforeſaid, but ſuch Diſtribution ſhall be made in the ſame Manner as if ſuch Wife was alſo dead. And the Commiſſioners of Forfeitures of the Diſtrict where ſuch Lands or real Eſtate ſhall be ſituated, are hereby authoriſed and directed to have the ſame appraiſed at the Value thereof in Gold or Silver, by Appraiſers to be appointed in the Mode preſcribed in and by an Act, entitled, ‡ *An* Act *to liquidate and ſettle the Accounts of the Troops of this State, in the Service of the United States*, paſſed the fourth Day of *October*, in the Year of our Lord One Thouſand Seven Hundred and Eighty. And upon the Payment of ſuch Sum at which ſuch Lands ſhall be appraiſed, in any public Securities receivable for forfeited Eſtates, to make, ſeal and deliver a Conveyance for the ſame, to ſuch Perſon or Perſons, and his or their Heirs, in Manner and Form as is preſcribed in and by the Act aforeſaid, upon the Truſt nevertheleſs herein before expreſſed; for the better Execution whereof, the Perſon or Perſons to whom ſuch Conveyance may be made, his, her or their Heirs, ſhall have full Power and Authority to ſell the Lands and other real Eſtate, to him, her or them reſpectively conveyed, in ſuch Manner as to him, her or them ſhall appear moſt for the Advantage of the Perſons entitled to Diſtribution as aforeſaid. *Provided alſo*, That none of the Conveyances to be given as aforeſaid, ſhall operate as a Warranty from the People of this State, for the real Eſtate or Eſtates ſo to be conveyed.

Duty of the Commiſſioners of Forfeitures.

‡ *4th Seſſ. Ch.* 7.

V. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon who ſhall become a Purchaſer of any confiſcated Eſtate, ſhall neglect or refuſe when demanded, to depoſit one Third of the Purchaſe-Money, in the Manner preſcribed in and by the Act, entitled, *An* Act *for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*; the Commiſſioner or Commiſſioners who ſhall make ſuch Sale, ſhall and may, within Twenty Days thereafter, again expoſe ſuch confiſcated Eſtate to Sale at public Vendue; and if upon ſuch ſecond Sale, ſuch confiſcated Eſtate ſhall not be ſold for a Sum equal to the Sum which ſuch Purchaſer offered on the firſt Sale thereof, the Commiſſioner or Commiſſioners ſhall and may recover, in his or their own Name or Names, of ſuch firſt Purchaſer, in an Action of Debt in any Court of Record in this State, the Sum which the Sum contracted for on ſuch ſecond Sale, ſhall be leſs than the Sum offered at the firſt Sale thereof, with Coſts; and in every ſuch Action the Defendant ſhall be held to Bail in double the Sum demanded.

Forfeited Eſtates when to be ſold a ſecond Time,

And the delinquent Purchaſer ſued for any Deficiency.

VII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be, and is hereby made the Duty of the Commiſſioners of Forfeitures, in every Advertiſement of the Sale of Lands and Tenements by them to be made, to inſert a Deſcription of the ſeveral Certificates made receivable by this Act, in Payment for the ſaid Lands and Tenements.

Commiſſioners directed in advertiſing.

X. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes of Purchaſes made of any forfeited Eſtates, in Purſuance of any of the Laws directing the Sale of forfeited Eſtates, in which any Purchaſer of ſuch Eſtates ſhall be evicted by due Courſe of Law, in the Manner mentioned in the firſt enacting Clauſe of the Act, entitled, *An* Act *for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*, ſuch Purchaſer ſhall have the like Remedy for obtaining a Compenſation for the Value of Improvements by him or her made, on ſuch Eſtate ſo by him or her purchaſed, and from which he or ſhe ſhall be ſo evicted, as is directed in and by the ſaid firſt enacting Clauſe of the ſaid Act.

Evicted Purchaſers relieved.

XIII. And

A. D. 1786. Inde. *U. S.* X.

‡ *8th Seſſ. Ch.* 49.

XIII. And *whereas* by an Act, entitled, ‡ *An* Act *to amend an Act, entitled, An* Act *for the ſpeedy Sale of the confiſcated and forfeited Eſtates within this State, and for other Purpoſes therein mentioned*, it is Enacted, That in all Sales of forfeited Eſtates to be made by the Commiſſioners of Forfeitures, to any Perſon or Perſons whatſoever, after the paſſing of that Act, ſuch Perſon or Perſons ſo purchaſing, ſhall immediately pay to the ſaid Commiſſioner or Commiſſioners, one third Part of the ſaid Purchaſe-Money, and the remaining Sum due, within nine Months from the Time of ſuch Sale. *And whereas* it is conceived that the Time given for the Payment of the ſaid two third Parts of the Purchaſe-Money is too long; Therefore, *Be it further Enacted by the Authority aforeſaid*, That every Perſon who ſhall hereafter purchaſe any forfeited Eſtate or Eſtates, ſhall immediately pay to the Commiſſioner or Commiſſioners making ſuch Sale, one third Part of the Purchaſe-Money, and the remaining Sum in four Months from the Time of ſuch Sale. And the Commiſſioners of Forfeitures are hereby required to take the Security directed by the ſaid Act to be given for the ſame accordingly.

Conditions of Purchaſes.

Purchaſers of forfeited Eſtates evicted, permitted to locate again.

XIV. *And be it further Enacted by the Authority aforeſaid*, That in all Caſes where any Perſon hath, or hereafter ſhall purchaſe any Lands, Tenements or Hereditaments, forfeited to the People of this State, and any ſuch Lands, Tenements or Hereditaments hath been, or ſhall be recovered againſt ſuch Purchaſer, his Heirs or Aſſigns, by due Courſe of Law, then, and in every ſuch Caſe, it ſhall be lawful for the Perſon againſt whom ſuch Recovery is or ſhall be had, to locate any other forfeited Eſtate to the Amount of the Sum paid to the People of this State, for the Lands, Tenements or Hereditaments ſo recovered, according to the Directions preſcribed in and by an Act, entitled, *An* Act *to liquidate and ſettle the Accounts of the Troops of this State, in the Service of the United States*, paſſed the fourth of *October*, One Thouſand Seven Hundred and Eighty. And the Commiſſioners of Forfeitures for the Diſtrict where ſuch Location ſhall be made, are hereby authoriſed and required to have the ſame appraiſed, at the Value thereof in Gold and Silver, in the Manner preſcribed in and by the ſaid laſt mentioned Act, and to convey to ſuch Perſon or Perſons, and his, her or their Heirs, ſo much of the ſaid Lands ſo located, as, according to ſuch Appraiſement, ſhall amount to the Sum ſo paid for the Land ſo recovered. *Provided always*, That every Perſon making ſuch Location, ſhall, at the Time of making the ſame, produce and depoſit with the Commiſſioner of Forfeitures, the Deed from the Commiſſioners of Forfeitures for the Land ſo recovered, and a Certificate from the Attorney-General of this State for the Time being, that ſuch Recovery was had for Want of Title in the People of this State. *And Provided alſo*, That it ſhall and may be lawful for any ſuch Perſon, againſt whom any ſuch Recovery hath been or ſhall be had as aforeſaid, at his Election, inſtead of locating as aforeſaid, to receive a Certificate from the Treaſurer of this State for the Sum paid for the Lands ſo recovered. And the Treaſurer of this State for the Time being, is hereby authoriſed and required, upon producing and depoſiting with him the original Deed from the Commiſſioners of Forfeitures, for the Land ſo recovered, and ſuch Certificate from the Attorney-General as aforeſaid, to give ſuch Perſon a Certificate or Certificates for the Sum ſo paid as aforeſaid, which ſhall be of like Value and Effect as the Certificate or Certificates paid for the Land ſo recovered. *Provided always*, That if any ſuch Appraiſement ſhall exceed the Amount of the Principle and Intereſt of ſuch Certificate or Certificates, the Surplus ſhall be paid in Gold or Silver, before any Conveyance be given for any Lands ſo located.

Former Deeds to be delivered to the Commiſſioners.

Perſon evicted, inſtead of locating may take a Certificate for the Sum paid.

XXIV. And *whereas* Doubts have ariſen reſpecting the Title of the People of this State, to a certain Houſe and Lot in *Wall-Street*, in the City of *New-York*, now poſſeſſed by *Ann White*, the Widow of *Thomas White*, late of

of the City of *New-York*, deceased, an attainted Person: *And whereas* the said House and Lot has been located by *Charles M'Knight*, of the City of *New-York*, Physician; *Be it therefore Enacted by the Authority aforesaid*, That the like Relief shall be extended to the said *Charles M'Knight*, as is by this Act extended to *Abraham Bloodgood*; and the Commissioners of Forfeitures for the Southern District are hereby required to stay the Sale of the said House and Lot, until the further Order of this Legislature.

A.D. 1786. Inde. *U. S.* X.

The Sale of a House possessed by *Ann White* stayed.

XXV. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful to and for the Commissioners of the Western District, to convey to the Trustees of the Reformed Protestant Dutch Church at *Caghnawaga*, in the County of *Montgomery*, by the Name in which they now are or shall be incorporated, pursuant to the Law of this State in that Case made and provided, Twenty Acres of Land, described in the Condition of a Bond, executed by *John Butler* to *Cornelius Smith*, *Johannes Veeder* and *Johannes E. Van Eps*, bearing Date the seventeenth Day of *January*, One Thousand Seven Hundred and Sixty-three.

Commissioners of Western District to convey Twenty Acres of Land to Trustees of Dutch Church at *Caghnawaga*.

Other Lands instead of these to be conveyed, 10th Sess. Ch. 73. Sec. 2.

XXVI. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the Commissioners of Forfeitures for the Southern District, to convey to the Trustees of the Reformed Dutch Church at *Tarry-Town*, in the Manor of *Philipsburgh*, in the County of *Westchester*, by the Name in which they now are, or shall be incorporated, pursuant to the Law of this State in that Case made and provided, the Church and two Acres of Land adjoining thereto, including the Burial-Ground situate near the Upper Mills, in the said Manor; and also a certain Farm, situate near *Tarry-Town* aforesaid, lately possessed by *Samuel Husted*, deceased, and now in the Possession of *Stephen Van Vorhis*, the present Minister of the said Church, containing about One Hundred Acres, the Improvements of which were purchased by the Trustees of the said Church, in Lieu of such Lands as were heretofore set apart by the former Proprietor of the said Manor for the Use of the said Church, and are directed to be sold by the said Commissioners. And also to convey to such Trustees as aforesaid, of the Episcopal Church in the said Manor, the Church or Building situate near the Mansion House lately the Residence of *Frederick Philips*, of the said Manor, together with two Acres of Land adjoining to the said Church. And also the Parsonage or Glebe, situate on the East Side of *Saw-Mill* River, in the said Manor, and now in the Occupation of the Widow of *Luke Babcock*, Clerk, late deceased, containing about Ninety-seven Acres, which was by the said *Frederick Philips* heretofore appropriated for a Parsonage or Glebe.

Commissioners of the Southern District to convey to Trustees of Dutch Church at *Tarry-Town*, a certain Church & Lands in the Manor of *Philipsburg*.

And to the Trustees of the Episcopal Church in the said Manor, a certain Church and Lands in the said Manor.

XXIX. *And be it further Enacted by the Authority aforesaid*, That all Negro Slaves become the Property of the People of this State, by the Attainder or Conviction of any Person whomsoever, and now in Possession of the Commissioners of Forfeitures, be, and they are hereby manumitted.

Certain Slaves manumitted.

XXX. *And be it further Enacted by the Authority aforesaid*, That the Commissioners of Forfeitures for the several Districts be, and they hereby are required to provide for the comfortable Subsistance of all such Slaves so forfeited in their respective Districts, as by Age or Infirmity are become unable to gain a Subsistance, at the Expence of the People of this State.

Such Slaves infirm, how to be subsisted.

XXXI. AND *whereas* there are supposed to be sundry Mortgages on the forfeited Estates of *Philip Skeene* and *Andrew Skeene*, at *Skeensborough*, the Amount whereof cannot be ascertained, as the Records of the County of *Washington*, late County of *Charlotte*, have hitherto not been found, but are supposed to be in *Canada*. *And whereas* his Excellency the Governor is

A. D. 1786. Inde. *U. S.* X.

requeſted to purſue Meaſures for the Recovery of the ſaid Records: Therefore, *Be it Enacted by the Authority aforeſaid*, That the Commiſſioner of Forfeitures for the Eaſtern Diſtrict ſhall be, and he is hereby required to ſtay the Sale of the ſaid forfeited Eſtates, until the ſaid Records ſhall be recovered, and lodged with the Clerk of the County of *Waſhington*, or until his Excellency the Governor ſhall adviſe the ſaid Commiſſioner that the ſaid Records cannot be obtained, or until the further Order of the Legiſlature.

Sale of *Skeene*'s Eſtates at *Skeenſborough*, ſtayed.

CHAP. LIX.

Obſolete. Further Sum raiſed, 11th Seſſ. Ch. 60.

An ACT *for building two Court-Houſes and a Gaol in the County of* Weſtcheſter, *and raiſing Monies for that Purpoſe.*

Paſſed 1ſt May, 1786.

CHAP. LX.

Private.

An ACT *for the Relief of* William Nicoll.

Paſſed 3d May, 1786.

CHAP. LXI.

This Act never took Effect, the Proviſion thereby made not being accepted by Congreſs.

An ACT *for giving and granting to the United States in Congreſs aſſembled, certain Impoſts and Duties on Foreign Goods imported into this State, for the ſpecial Purpoſe of paying the Principal and Intereſt of the Debt contracted in the Proſecution of the late War with* Great-Britain.

Paſſed 4th May, 1786.

CHAP. LXII.

Private.

An ACT *for veſting the real and perſonal Eſtate of* Robert Hempſted, *Eſquire, deceaſed, in Truſtees, for the Payment of his Debts.*

Paſſed 4th May, 1786.

CHAP. LXIII.

Obſolete.

An ACT *for the Payment of the Salaries of the Officers of Government, and other contingent Charges,*

Paſſed 5th May, 1786.

CHAP. LXIV.

‡ *9th Seſſ. Ch. 40.*

An ACT *ſupplementary to an Act, entitled,* ‡ *An* Act *for emitting the Sum of* Two Hundred Thouſand Pounds *in Bills of Credit, for the Purpoſes therein mentioned.*

Paſſed 5th May, 1786.

Preamble,

WHEREAS the County of *Albany* has, ‖ ſince the paſſing of the Act, entitled, *An* Act *for emitting the Sum of* Two Hundred Thouſand Pounds *in Bills of Credit, for the Purpoſes therein mentioned*, been divided into two Counties, by the Names of *Albany* and *Columbia*; Therefore,

Regulating the Loan of Money in *Albany* County.

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Bills of Credit to be emitted in Purſuance of the ſaid Act, and aſſigned for

‖ *This is a Miſtake, the Act for dividing the County of* Albany *was firſt paſſed.*

for Loan to the County of *Albany*, and all and every Proceedings by Virtue of the said Act, respecting the Loan of the said Bills, assigned as aforesaid, to the County of *Albany*, shall be lent and had in like Manner as if the Act, entitled, ‡ *An* Act *dividing the County of* Albany *into two Counties*, had not passed.

A. D. 1786. Inde. *U. S.* X.

‡ *9th Sess. Ch.* 28.

II. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for the Judges of the Inferior Courts of Common Pleas, and Supervisors of the several Counties, who shall not have appointed Loan-Officers in Pursuance of the Directions of the said Act, on the Day for that Purpose mentioned in the said Act, to make such Appointments on the last Tuesday of *May* instant.

Loan-Officers when to be appointed in certain Cases.

CHAP. LXV.

An ACT *to enable* Charles John Evans *and* Agatha *his Wife, to make the Conveyance therein mentioned.*

Private.
See 10th Sess. Ch. 96.

Passed 5th May, 1786.

CHAP. LXVI.

An ACT *for the Payment of certain Sums of Money, and for other Purposes therein mentioned.*

Passed 5th May, 1786.

[*It was conceived unnecessary to print any other than the following Clauses of this Act, the Rest being either obsolete or private.*]

IV. AND *be it further Enacted by the Authority aforesaid*, That it shall be, and it is hereby made the Duty of the late Commissioners of Sequestration, and of all other Persons possessing Books, Papers, Bonds, Notes, or other Evidences of Debts due from any Person or Persons, to any Estate or Estates forfeited to the People of this State, to deliver the same to the Treasurer of this State without Delay. And it is hereby made the Duty of the Treasurer to receive such Books, Papers, Bonds, Notes, or other Evidences of Debts due as aforesaid; and on Neglect or Refusal of any Person or Persons in whose Possession such Books, Papers, Bonds, Notes, or other Evidences of Debts shall be, to deliver the same, the said Treasurer is hereby directed to prosecute the Person or Persons so neglecting or refusing, in an Action of Debt or Detinue, in his own Name, in any Court of Record within this State, having Cognizance of the same.

Commissioners and others possessed of Books, &c. to deliver them to the Treasurer.

XXVIII. *And be it further Enacted by the Authority aforesaid*, That it shall and may be lawful for any public Officer, who was employed during the late War under the Authority of the United States, or this State, and who now is or hereafter shall be prosecuted for Services performed at his Request, or Articles by him purchased or taken for the Use of the United States, or this State, to tender in Court any of the public Securities enumerated in the fifth Section of the Act, entitled, *An* Act *for the speedy Sale of the confiscated and forfeited Estates within this State, and for other Purposes therein mentioned*, passed the 12th Day of *May*, 1784, at the Rates at which such Certificates are respectively receivable for forfeited Estates, in full Discharge of such Demand; *Provided* it shall appear to the Court, that the Services done, or Articles furnished, were done for or applied to the Use of the United States, or of this State.

Public Officers relieved in certain Cases.

XXIX. AND

A. D. 1786. Inde. *U. S.* X.

Recital.

XXIX. AND *whereas* the Corporation of the *Marine Society* of the City of *New-York*, in the Province of *New-York*, in *America*, have, by their Petition to the Legiſlature, ſetting forth, that in Conſeqnence of the late happy Revolution, ſeveral Terms in the Stile and Name of the Corporation, are become improper, humbly praying, that the Stile and Name of the ſaid Corporation may be altered: Therefore, *Be it Enacted by the Authority aforeſaid*, That the Stile and Name of the ſaid Corporation, ſhall be altered from the preſent Stile and Name, to the Stile and Name of, *The Marine Society of the City of* NEW-YORK, *in the State of* NEW-YORK; and that the ſaid Society ſhall, from and after the paſſing of this Act, be known by ſuch Stile and Name as laſt mentioned, and not by the Stile or Name expreſſed in their Charter of Incorporation.

Stile and Name of the *Marine Society* altered.

CHAP. LXVII.

See 12th Seſſ. Ch. 32. Sec. 14.

An ACT *for the ſpeedy Sale of the unappropriated Lands within this State, and for other Purpoſes therein mentioned.*

Paſſed 5th May, 1786.

Preamble.

WHEREAS Experiment has evinced, that the Settlement of the unappropriated Lands in this State, in the Manner directed by former Acts, is ſubject to great Embarraſſment and Inconvenience, and productive of Controverſy; for Prevention whereof,

Commiſſioners of the Land-Office appointed

I. *Be it Enacted by the People of the State of* New-York, *repreſented in Senate and Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That his Excellency the Governor, or Perſon adminiſtring the Government of this State for the Time being, the Lieutenant-Governor, the Speaker of the Aſſembly, the Secretary of the State, the Attorney-General, the Treaſurer and the Auditor of this State, reſpectively, for the Time being, ſhall be, and they hereby are appointed Commiſſioners of the Land-Office, to

To direct the granting of unappropriated Lands.

direct the diſpoſing and granting of the unappropriated Lands within this State, according to ſuch Powers and Directions as ſhall, from Time to Time, be preſcribed by the Legiſlature; and all and every of the Powers and Truſts to be veſted in them by this or any future Act, ſhall and may be lawfully executed by any three of them, the Governor, or Perſon adminiſtring the Government of this State for the Time being, to be always One, and that the Secretary of this State ſhall, *ex Officio*, always be the Secretary of the ſaid Commiſſioners.

Out-Lines to be run previous to the Sale.

II. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authoriſed, from Time to Time, to direct and require the Surveyor-General of this State, for the Time being, to cauſe actual Survey of the Out-Lines of all ſuch of the waſte and unappropriated Lands of this State, as they ſhall deem proper for Sale, and moſt promotive of the Intereſt of this State, to be made. *Provided always*, That the ſaid Commiſſioners, whenever they ſhall think proper, may direct the Surveyor-General to lay down on a Map, any Tract of Land for Sale, without proceeding to the Survey of the Out-Lines thereof.

But Commiſſioners may direct Lands to be ſold without ſuch Survey. *See 10th Seſſ. Ch. 103. Sec. 2.*

Lands to be laid out in Townſhips.

III. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required, from Time to Time, to direct the Surveyor-General to lay each and every of the Tracts directed to be laid out by the ſaid Commiſſioners, into Townſhips, on a Map to be by him made, each Townſhip to contain, as nearly as may be, Sixty-four Thouſand Acres of Land, and as nearly in Squares as local Circumſtances will permit.

IV. *And*

A. D. 1786.
Inde. *U. S.* X.

IV. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Surveyor-General, where any Townſhip ſhall include Lands heretofore granted under the Great Seal of the late Colony of *New-York*, or under the Great Seal of this State, or which may have been located as Bounty Lands, by Virtue of any Law of this State, or ſhall have been granted or determined to be granted by the ſaid Commiſſioners on equitable Claims, ſhall lay down the ſame on the Map thereof, and the unappropriated Lands in ſuch Townſhip or Townſhips only ſhall be ſold in Manner herein after directed.

Surveyor-General to diſtinguiſh appropriated from unappropriated Lands;

V. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Surveyor-General, as ſoon as may be, ſhall make a Map of ſuch Tracts ſo intended for Sale, on which ſhall be laid out the Townſhips contained therein, which Townſhips ſhall be numbered, from Number One progreſſively, to the laſt incluſive; and each Townſhip ſhall, on ſuch Map, be ſubdivided into Lots, as nearly ſquare as may be, and each Lot to contain Six Hundred and Forty Acres, or as nearly ſo as may be, and the Lots in each Townſhip ſhall be numbered, from Number One to the laſt incluſive, in Arithmetic Progreſſion, and on every fourth Townſhip in ſuch Map, ſhall be written, *To be ſold by ſingle Lots*; and one Copy of ſuch Map ſhall be filed in the Office of the Secretary of this State, and the Original thereof in the ſaid Surveyor-General's Office; and the ſaid Secretary and Surveyor-General reſpectively, ſhall cauſe the Maps ſo to be filed, to be put up in ſome conſpicuous Part of their reſpective Offices, and ſhall permit any Perſon whatever freely to inſpect ſuch Maps, between the Hours of Nine and Twelve in the Morning, and Three and Six in the Afternoon of every Day, Sundays only excepted, on paying for Inſpection in Morning, *Six-Pence*, and the like in the Afternoon.

To make a Map of the Lands for Sale, number the Townſhips, and divide them into Lots.

Every fourth Townſhip to be ſold in ſingle Lots.

Maps to be filed.

VI. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Surveyor-General ſhall, immediately after having filed ſuch Map as aforeſaid in the Secretary's-Office, give Notice thereof by public Advertiſement, to be publiſhed in at leaſt Three of the News-Papers printed in this State, and ſhall, in the ſaid Advertiſement, mention and appoint a Day certain, not more than Forty, nor leſs then Thirty Days from the Day on which ſuch Advertiſement ſhall be firſt publiſhed, on which Day he will commence the Sale of the ſaid Lands at public Vendue, to the higheſt Bidder, and ſhall alſo mention in ſuch Advertiſement, the Place where ſuch Vendue will be held.

Surveyor-General to notify the Sale of Lands.

VII. *And be it further Enacted by the Authority aforeſaid*, That at every ſuch Sale, the ſaid Surveyor-General ſhall put up to Sale, as nearly as may be, one quarter Part of the unappropriated and unreſerved Lands in every Townſhip, in Lots contiguous to each other, and ſhall ſtrike off the ſame to the higheſt Bidder, with a Reſervation of five Acres of every Hundred Acres ſo ſold, for Highways, and ſhall continue to ſell in ſuch quarter Parts, until the Whole of ſuch Townſhips are ſold. *Provided*, That none of the Lands ſo laid out, ſhall be ſold at a leſs Price than *One Shilling* per Acre. *And, Provided alſo*, That the firſt fourth Townſhip, and every other fourth Townſhip in the ſaid Tracts, ſhall be ſold by ſingle Lots only, and not otherwiſe.

Mode of Sale.

No Land to be ſold for leſs than 1s. per Acre;

And every fourth Townſhip to be ſold by ſingle Lots.

VIII. *And be it further Enacted by the Authority aforeſaid*, That every Purchaſer ſhall, immediately after having made his Purchaſe, pay unto the ſaid Surveyor-General, one fourth Part of the Purchaſe-Money; and having paid the ſame, the Surveyor-General ſhall give unto ſuch Purchaſer, a Certificate, containing ſuch a Deſcription of the Bounds of the Land purchaſed, as that the ſame may be inſerted in the Letters Patent to be granted therefore, and ſhall endorſe on ſuch Certificate the Sum by him received, and alſo the Sum ſtill due on ſuch Purchaſe. And if the Purchaſer ſhall not, within Sixty

Conditions of Purchaſe.

A.D. 1786. Inde. U. S. X.

Days next after the Date of ſuch Certificate, pay the Sum ſo ſtill due to the Treaſurer of this State, the Purchaſe made by every ſuch delinquent Purchaſer ſhall be, and hereby is declared null and void, and the Money ſo paid ſhall be forfeited to the Uſe of the People of this State; but if the Sum ſo remaining due ſhall be paid to the ſaid Treaſurer within the Time herein limited, he ſhall endorſe a Receipt therefore on the ſaid Certificate. *Provided always*, That none of the Intereſt ariſing on any public Securities with which ſuch Sum ſo unpaid ſhall be diſcharged, and which ſhall have accrued ſubſequent to the Date of ſuch Certificate, ſhall be allowed by the ſaid Treaſurer. *And Provided alſo*, That if any Purchaſer ſhall not, immediately after ſuch Purchaſe, pay the ſaid one fourth Part, the ſaid Surveyor-General ſhall, at the ſame Vendue, again expoſe the Lands ſo purchaſed to Sale; and every Purchaſer who ſhall refuſe or neglect, for the Space of Twenty-four Hours next after ſuch Purchaſe, to pay the ſaid one fourth Part, ſhall forfeit to the People of this State, the Sum of *Twenty Pounds*, to be ſued for and recovered by the ſaid Surveyor-General, in his own Name, in any Court of Record within this State; and ſuch Purchaſe ſhall be, and hereby is declared to be null and void.

When Letters Patent to be iſſued to Purchaſers.

IX. *And be it further Enacted by the Authority aforeſaid*, That if any Purchaſer, by himſelf or herſelf, or his or her legal Repreſentative, ſhall produce ſuch Certificate with ſuch Receipt as aforeſaid endorſed thereon, to the ſaid Commiſſioners, it ſhall and may be lawful to and for the ſaid Commiſſioners to direct Letters Patent to be prepared and iſſued for granting the Lands deſcribed in ſuch Certificate, to the Purchaſer thereof, or to the Purchaſer and ſuch other Perſon or Perſons, as he ſhall, under his Hand and Seal, ſignify to be concerned in the Purchaſe ſo by him made in the Manner herein before mentioned.

Surveyor-General to ſell unpatented Lands in *Jeſſup*'s Purchaſe.

X. And *whereas* a Tract of Land, commonly called *Jeſſup*'s Purchaſe, was heretofore laid out into Townſhips of ſix Miles ſquare, and into Tracts of leſs Dimenſions, a great Part whereof remains unpatented; *Be it therefore Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Commiſſioners, to direct the Surveyor-General to ſell all or any of the ſaid Townſhips and ſmaller Tracts remaining unpatented, in ſuch Parts and Parcels as they ſhall direct; and the ſaid Surveyor-General ſhall advertiſe, ſell and certify the ſame, in Manner herein before directed; and the Treaſurer ſhall endorſe on every ſuch Certificate, on Payment of the Purchaſe-Money, and Letters Patent ſhall paſs for the ſame as herein before directed.

Two Lots in each Townſhip reſerved for certain Purpoſes.

XI. *And be it further Enacted by the Authority aforeſaid*, That in every Townſhip ſo laid out, or to be laid out as aforeſaid, the Surveyor-General ſhall mark one Lot on the Map, *Goſpel and Schools*, and one other Lot, *for promoting Literature*, which Lots ſhall be as nearly central in every Townſhip as may be; and the Lots ſo marked ſhall not be ſold, but the Lot marked *Goſpel and Schools*, ſhall be reſerved for and applied to promoting the Goſpel and a public School or Schools in ſuch Townſhip; and the Lot marked, *for promoting Literature*, ſhall be reſerved to the People of this State, to be hereafter applied by the Legiſlature for promoting Literature in this State.

Surveyor-General to make Returns to the Treaſurer.

XII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Surveyor-General ſhall, within Thirty Days next after the Sale of any of the Lands herein before directed to be ſold by Virtue of this Act, make Return of every ſuch Sale to the Treaſurer of this State; and if the Purchaſers, or ſome other Perſons on their Behalf reſpectively, do not pay the Purchaſe-Money due on the Sale, within the Time or Times herein before limited, the ſaid Treaſurer ſhall tranſmit to the ſaid Surveyor-General, the Name of every delinquent

delinquent Purchaſer; and the Surveyor-General ſhall thereupon advertiſe all the Lands ſo ſold and not paid for, to be again ſold at a Time and Place in ſuch Advertiſement to be mentioned, and in Manner aforeſaid.

Commiſſioners to name the Townſhips.

XIII. *And be it further Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall deſignate every Townſhip to be laid out by Virtue of this Act, or which is already laid out, by ſuch Name as they ſhall deem proper; and ſuch Name ſhall reſpectively be mentioned in the Letters Patent for granting a Townſhip, or Part of a Townſhip.

Lands which may be located.

XIV. *And be it further Enacted by the Authority aforeſaid*, That all Lands for which Letters Patent have at any Time heretofore been granted, and which have ſince been vacated by Laws of the late Colony of *New-York*, all Lands having been ſo granted, and which have been reſigned to the Crown of *Great-Britain*, whilſt this State was a Colony, and not re-granted, are hereby declared Lands on which Locations might have been and may hereafter be legally made.

Permiſſion granted to withdraw Locations, and to locate elſewhere.

See 12th Seſſ. Ch. 44. Sec. 11.

XV. AND *whereas* by Virtue of Acts heretofore paſſed for granting Bounty Lands, ſundry Locations have been made on Lands belonging to the *Onondaga*, *Cayuga* and *Seneca* Nations of Indians; *And whereas* an Attempt to ſettle ſuch Lands, by the Perſons entitled to Letters Patent therefore, by Virtue of the ſaid Acts, may involve this State in a diſagreeable Controverſy with the ſaid Indians: Therefore, *Be it Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for any Perſon having made ſuch Location as aforeſaid, to withdraw ſuch Location, and each and every of them are hereby authoriſed to locate on any of the Lands to be ſold by Virtue of this Act, excepting on the Lands purchaſed from the *Oneida* Indians as aforeſaid; and to receive from the ſaid Surveyor-General a Certificate of ſuch Location, directed to the ſaid Commiſſioners, who ſhall thereupon direct Letters Patent to be prepared; and having approved the ſame, the Governor, or Perſon adminiſtring the Government of this State for the Time being, ſhall cauſe the Great Seal of this State to be affixed thereto: *Provided*, That Locations to be made for any Bounty Lands, in Purſuance of any Law of this State, ſhall not be made on any Lands directed to be laid out for Sale by the ſaid Commiſſioners, after ſuch Lands ſhall have been directed by the ſaid Commiſſioners to be ſet apart for Sale, unleſs ſuch Locations ſhall be made for any whole Lots, or Number of whole Lots into which any Townſhip ſhall be ſubdivided. *And Provided alſo*, That no ſuch Locations, or Grants in Conſequence of ſuch Locations, ſhall be made for any Lands included in the Purchaſe made of the Indians by the People of this State, on the Twenty-eighth Day of *June*, in the Year of our Lord One Thouſand Seven Hundred and Eighty-five.

Lands in Southern Diſtrict not to be located or granted.

XVI. *And be it further Enacted by the Authority aforeſaid*, That none of the vacant and unappropriated Lands within this State, and which lay in the Southern Diſtrict thereof, ſhall be located or granted by Virtue of this Act, or any Clauſe thereof.

Where Locations are not allowed by Commiſſioners, Party may locate again.

XVII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall be lawful for any Perſon (who ſhall heretofore have made any Location for Bounty Lands, or who ſhall hereafter make a Location for ſuch Lands, and whoſe Locations have not been, or hereafter ſhall not be allowed of by the ſaid Commiſſioners, or the Surveyor-General) to locate on any of the vacant and unappropriated Lands, ſubject to Location for Bounty Lands, in and by this Act.

XVIII. *And*

A. D. 1786. Inde. *U. S.* X.

Lands under the Water of navigable Rivers, how to be granted.

XVIII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioners to grant ſuch and ſo much of the Lands under the Water of navigable Rivers, as they ſhall deem neceſſary to promote the Commerce of this State. *Provided always*, That no ſuch Grant ſhall be made in Purſuance of this Act to any Perſon whatever, other than the Proprietor or Proprietors of the adjacent Lands. *And, Provided alſo*, That every Applicant for ſuch Grant ſhall, previous to his or her Application, give Notice thereof, by Advertiſement, to be publiſhed in one of the News-Papers printed in this State for ſix Weeks ſucceſſively, and ſhall cauſe a Copy of ſuch Advertiſement to be put up at the Court-Houſe of the County in which the Lands lay, ſo intended to be applied for, and if there be no Court-Houſe in the County, then at ſuch Place as the ſaid Commiſſioners ſhall direct.

Where Improvers of unappropriated Lands to have a Grant for 200 Acres.

See 11th Seſſ. Ch. 89. Sec. 2. 12th Seſſ. Ch. 44. Sec. 13.

Time of Application. *Further Time given, 11th Seſſ. Ch. 89. Sec. 1. 12th Seſſ. Ch. 44. Sec. 13.*

XIX. *And be it further Enacted by the Authority aforeſaid*, That where any Perſon is now in the actual Poſſeſſion of any of the ſaid unappropriated Lands, and hath been ſo poſſeſſed, prior to the Twenty-fifth Day of *July*, One Thouſand Seven Hundred and Eighty-two, and hath made Improvements thereon, it ſhall and may be lawful for the Commiſſioners aforeſaid, to grant to every ſuch Perſon, in Fee Simple, a Farm not exceeding Two Hundred Acres, including ſuch Improvements, upon ſuch Perſons paying as aforeſaid *One Shilling* an Acre for the ſame. *Provided always*, That the Perſon ſo in Poſſeſſion is the original Settler, or the Heir or legal Repreſentative of ſuch original Settler, or ſhall have purchaſed ſuch Improvements from the original Settler, or from his legal Repreſentatives, and that ſuch original Settler did not go off, or join the then Enemies of this State during the late War. *And, Provided alſo*, That ſuch Perſon ſhall make Application to the ſaid Commiſſioners for ſuch Grant, within ſix Months after the paſſing of this Act.

Lands granted to *Church* and others.

XX. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Commiſſioners, to appropriate a Tract of Land equal to eight Miles ſquare, in any of the Townſhips to be laid out in Purſuance of this Act, for the Uſe of Colonel *Timothy Church*, Major *William Shattuck*, and Major *Henry Evans*, and ſuch other Perſons of the Counties of *Cumberland* and *Glouceſter*, as ſhall be deemed by the ſaid Commiſſioners to be Sufferers in oppoſing the Government of the pretended State of *Vermont*, and to grant the Land in ſuch Townſhip, in ſuch Proportion to each of ſuch Sufferers, as to the ſaid Commiſſioners ſhall ſeem meet and proper, and to direct Letters Patent to be prepared accordingly; and having approved of the ſame, the Governor, or Perſon adminiſtring the Government of this State for the Time being, ſhall cauſe the Great Seal of this State to be affixed thereto.

‡ *6th Seſſ. Ch. 11.*

Lands ſet apart for the Army

XXI. AND *whereas* by the Act, entitled, ‡ *An* Act *to prevent Grants or Locations of the Lands therein mentioned*, paſſed the 25th of *July*, 1782, a certain Tract of Land was ſet apart for the Uſe of ſuch of the Inhabitants of this State as had ſerved in the Army of the United States: *And whereas* from ſundry Circumſtances which have intervened ſince the paſſing of the ſaid Act, the Lands ſo intended to be granted would be of little Uſe to the ſaid Inhabitants having ſo ſerved: Therefore, *Be it Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall be, and they are hereby authoriſed to direct the Surveyor-General to lay out the following Tract of Land, *to wit:* Beginning at a certain Point in the North Bounds of *Jeſſup*'s Purchaſe, Thirty Miles diſtant from the North-Eaſt Corner of two certain Tracts of Land granted to *Philip Skeene*, by Letters Patent, bearing Date the ſixth Day of *July*, One Thouſand Seven Hundred and Seventy-one, and running thence North to the North Bounds of the State, thence Eaſterly along the ſame Twenty

A. D. 1786. Inde. U. S. X.

Twenty Miles; thence South to the North Bounds of *Jeſſup*'s Purchaſe aforeſaid, continued eaſterly thence to the Place of Beginning: All which Tract of Land ſhall, on a Map thereof to be made by the Surveyor-General, be laid out into Townſhips of ten Miles ſquare; and each Townſhip ſhall, on the ſaid Map, be numbered; and the Commiſſioners ſhall thereupon, from Time to Time, deviſe ſuch Regulations for laying out Lots of ſuch Dimenſions as they ſhall think proper, for ſatisfying out of the ſaid Tract of Land, ſuch Claims of all ſuch Perſons who are or ſhall be entitled to Grants of Lands by Virtue of the tenth, eleventh and fourteenth Clauſes of the Act, entitled, *An Act for granting certain Lands promiſed to be given as Bounty Lands by Laws of this State, and for other Purpoſes therein mentioned*, or ſuch of them as are ſtill unſatisfied, as to the ſaid Commiſſioners ſhall appear beſt calculated to enable the Perſons holding ſuch Rights, to participate as equally as may be in the Advantages derived from locating the ſaid Lands to which they ſhall be reſpectively entitled. *Provided*, That all Perſons claiming ſuch Rights, and who have not already exhibited their Claims, ſhall exhibit their reſpective Claims to the ſaid Commiſſioners, on or before the firſt Day of *January* next, or ſhall be precluded from the ſame.

To be laid out in Townſhips.

Claims when to be exhibited.

XXII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Commiſſioners, to appropriate a Tract of Land in or adjoining to the Land ſet apart in and by this Act, for the Uſe of Perſons entitled to Grants for Military Services, not exceeding in Quantity Six Thouſand Acres, to be divided between ſuch Refugees, who, during the late War, or ſince, have come from *Canada*, and who, in the Opinion of the ſaid Commiſſioners, may be entitled to the Bounty of this State, or of the United States, and who are not provided for by any Law of this State.

Canadian Refugees relieved.

XXIII. *And be it further Enacted by the Authority aforeſaid*, That on the Lands to be granted by this Act, or any former Act, there ſhall be an actual Settlement made for every Six Hundred and Forty Acres which may be granted to any Perſon or Perſons, within ſeven Years from the firſt Day of *January* next after the Date of the Patent, by which ſuch Lands ſhall be granted, and on Failure of ſuch Settlement, the unſettled Lands ſhall revert to the People of this State; any Thing in this Act to the Contrary notwithſtanding.

When actual Settlement to be made.

XXIV. *And be it further Enacted by the Authority aforeſaid*, That where equitable Claims have heretofore been allowed of by the Commiſſioners appointed by former Acts, and the Claimant or Claimants have not ſued out Letters Patent, the Claim or Claims of ſuch Claimant or Claimants ſhall be null and void, unleſs he, ſhe or they ſhall, within Sixty Days next after the paſſing of this Act, or if ſuch Claim ſhall hereafter be allowed in Purſuance of any Law of this State, within Sixty Days after the Allowance thereof, pay the Purchaſe-Money, at the Rate of *One Shilling* per Acre, into the Treaſury of this State; and ſhall, within Forty Days next after the Expiration of the ſaid Sixty Days, ſue out Letters Patent therefore, and pay all the Charges accrued on ſuch Claim or Claims.

Claims to be void on Claimants not ſuing out Letters Patent.

XXV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioners to direct Letters Patent to be prepared and granted in Manner aforeſaid, to grant to *James Deane*, his Heirs and Aſſigns, in Fee Simple, the following Tract of Land, *to wit:* Beginning at a certain Place where the Weſt Line of the Patent of *Coxborough* croſſes the Stream or Brook, formed by the Junction of the Streams or Brooks called *Kanaghtarageara* and *Kanyonſkotta*, it being one of the Branches of the *Oriſkany* Creek or River, running thence North Twenty-four Degrees and Thirty

Certain Lands to be granted to *James Deane*,

A. D. 1786. Indc. U. S. X.

Thirty Minutes Weſt, Forty Chains; thence South Sixty-five Degrees and Thirty Minutes Weſt, One Hundred and Sixty Chains; thence South Twenty-four Degrees and Thirty Minutes Eaſt, One Hundred and Sixty Chains; thence North Sixty-five Degrees and Thirty Minutes Eaſt, One Hundred and Sixty Chains; thence on a direct Line to the Place of Beginning: And to *Abraham Wemple*, his Heirs and Aſſigns, in Fee Simple, Six Hundred and Forty Acres, in a Square, next adjoining to, and on the South Side of the Tract to be granted to *James Deane* aforeſaid: To *Samuel Kirkland*, the Quantity of Six Hundred and Forty Acres, in a Square, to be bounded on the Tract to be granted to the ſaid *James Deane*, and on the Tract to be granted to the ſaid *Abraham Wemple*: One Moiety whereof, in Fee Simple, to the ſaid *Samuel Kirkland*, and the other Moiety to the ſaid *Samuel Kirkland*, in Truſt for any Miniſter of the Goſpel, who may hereafter, for the Time then being, be employed by the *Oneida* Indians, to preach the Goſpel among them.

To *Abraham Wemple*,

To *Samuel Kirkland*.

XXVI. *And be it further Enacted by the Authority aforeſaid*, That the Commiſſioners and the Secretary ſhall reſpectively be entitled to the following Fees, for the Services performed or to be performed by them reſpectively, by Virtue of the Acts, or any of them herein after in Part repealed, or to be performed by Virtue of this Act, and to be paid by the Perſon or Perſons in whoſe Favour any Letters Patent ſhall iſſue; *That is to ſay*, To the Governor for his Attendance on ſigning and affixing the Great Seal to Letters Patent, the Sum of *Three Pounds Four Shillings* for a whole Townſhip; the Sum of *Two Pounds Eight Shillings* for three Quarters of a Townſhip; the Sum of *One Pound Twelve Shillings* for Half or one Quarter of a Townſhip, and the Sum of *Sixteen Shillings* for any leſs Quantity. And the others of the ſaid Commiſſioners jointly, excluſive of the Secretary, ſhall be entitled to take and receive a Sum equal to one Half of the Fees allowed to be taken by the Governor by Virtue of this Act, on the iſſuing of each Patent, to be divided between them, in ſuch Proportion as to a Majority of them ſhall ſeem proper: To the Secretary for preparing the Letters Patent, recording and keeping the Minutes of the ſaid Commiſſioners, the like Fees as allowed to the Governor by Virtue of this Act.

Fees for Grants,

To the Governor.

To the Commiſſioners,

To the Secretary.

XXVII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for the ſaid Surveyor-General to receive and take the Fees herein after mentioned, for all Services performed in the Office of Surveyor-General, previous to the firſt Day of *May*, One Thouſand Seven Hundred and Eighty-five, for the Benefit of the ſaid Surveyor-General and his Predeceſſor in Office, *to wit*: For filing every Certificate, Transfer, Endorſement or Location, at and after the Rate of *One Shilling* for each and every of them ſo filed; for his Warrant of Survey; for entering a Copy thereof; for entering the Return of Survey; for his Certificate to the ſaid Commiſſioners; for Copy of any Certificate, Transfer, Endorſement or Location; for Copy of any Caveat, and for every other Writing which may be required of him, at and after the Rate of *Two Shillings* for every One Hundred and Twenty-eight Words.

Fees to the Surveyor-General for former Services.

XXVIII. AND *whereas* it is deemed expedient that the ſaid Surveyor-General ſhould have a fixed Salary in Lieu of all other Fees which may ariſe in his Office, for Services performed ſubſequent to the ſaid firſt of *May*, 1785, or hereafter to be performed; Therefore, *Be it Enacted by the Authority aforeſaid*, That the Salary of the Surveyor-General for the Time being, ſhall be at and after the Rate of *Four Hundred Pounds* per Annum, to commence from the firſt Day of *May*, One Thouſand Seven Hundred and Eighty-five, for and during the Term of three Years; and that the ſaid Surveyor-General ſhall

Surveyor-General's Salary,

ſhall receive the like Fees as mentioned in the next preceding Clauſe of this Act, for all and every Paper by him to be filed, or Copies to be given out of his Office, and ſhall account for the Monies ariſing from the Fees directed to be by him received in Purſuance of this Act, or which he may have heretofore received, or may hereafter receive for Services by him performed after the firſt Day of *May* laſt aforeſaid, once in every Year, to the Auditor of this State, and ſhall pay the ſame to the Treaſurer of this State.

And to account for Fees to the State.

XXIX. *And be it further Enacted by the Authority aforeſaid*, That all Letters Patent hereafter to be granted, ſhall be in ſuch Words and Forms as the ſaid Commiſſioners ſhall direct, and ſhall contain an Exception and Reſervation to the People of this State, of all Gold and Silver Mines, and ſhall veſt the Lands in Fee Simple.

Forms of Letters Patent.

XXX. *And be it further Enacted by the Authority aforeſaid*, That the following Allowances ſhall, by the Surveyor-General, be made to Perſons employed by him, to carry into Effect the Duties enjoined him by this Act, *to wit*; For a Deputy-Surveyor, a Sum not exceeding *Twenty Shillings* per Day, and *Two Shillings* for a Horſe to carry the Baggage of himſelf and the Perſons employed with him: That each Deputy ſo employed ſhall be allowed two Chain-Bearers, two Markers, one Flag-Carrier, and a Man to attend the Baggage-Horſe; to each of which there ſhall be allowed a Sum not exceeding *Six Shillings* per Day; and that the ſaid Deputies, Chain-Bearers, Flag-Carrier, Markers and Attendant, ſhall furniſh themſelves with Proviſions, and the neceſſary Implements, at their own Expence.

Allowances by the Surveyor-General, *This Section repealed, 10th Seſſ. Ch. 103. Sec. 2.*

To a Deputy,

To his Attendants.

XXXI. *And be it further Enacted by the Authority aforeſaid*, That Gold and Silver, and every Species of Bills of Credit or public Securities now receivable, or which ſhall hereafter be made receivable in Payment for forfeited Eſtates, ſhall and may be received in all Payments to be made in Purſuance of this Act, at the Rates they are reſpectively receivable for forfeited Eſtates.

Species of Monies payable for Lands.

See 11th Seſſ. Ch. 89. Sec. 10.

XXXII. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful to and for *George Klock*, *Jacob G. Klock*, now or late of the County of *Montgomery*; *Hendrick Remſen*, now or late of the City of *New-York*; and *John Van Sice*, now or late of the County of *Albany*, or their reſpective legal Repreſentatives, jointly, to locate the Quantity of Forty-eight Thouſand Acres of Land, out of any of the ungranted, unappropriated or unlocated Lands in the County of *Montgomery*, Part and Parcel of the Lands alledged to have been conveyed unto them by a certain Deed, bearing Date the Twenty-eighth Day of *May*, One Thouſand Seven Hundred and Sixty-ſix, and now remaining of Record in the Office of the Secretary of this State. *Provided always*, That ſuch Location ſhall be in one entire Piece or Parcel, if ſo much can be ſo located, and if not, then to locate the greateſt poſſible Quantity of ſuch Land in one Piece, and the Reſidue in one or more Pieces, each to contain not leſs than Eight Thouſand Acres. *And, Provided alſo*, That ſuch Location or Locations be made within Sixty Days next after the Day of paſſing of this Act; and that the ſaid *George Klock*, *Jacob G. Klock*, *Hendrick Remſen* and *John Van Sice*, or their legal Repreſentatives, ſhall cauſe the Lands ſo by them to be located, to be ſurveyed in Manner directed by this Act, and being ſo ſurveyed, ſhall produce the Surveyor-General's Certificate, to be granted in Manner herein before directed, with a Receipt endorſed thereon by the Treaſurer of this State, ſpecifying, that the Sum of *One Shilling* per Acre for every Acre mentioned in ſuch Certificate has been paid; then the ſaid Commiſſioners ſhall cauſe Letters Patent to be prepared for granting the ſaid Lands, and having approved thereof, the Governor ſhall affix the Great Seal of this State thereto.

George Klock and others permitted to locate 40,000 Acres.

XXXIII. And

A.D. 1786. Inde. *U. S.* X.

XXXIII. And *whereas* Baron *Frederick William Steuben*, late a Major-General in the Army of the United States, has rendered very eſſential Service to this State, as one of the United States, by introducing a regular Diſcipline in the Army, and a Spirit of Oeconomy in the interior Adminiſtration of the Regiments; and this Legiſlature being willing to afford a public Teſtimony of the juſt Senſe they entertain of his Services; Therefore, *Be it Enacted by the Authority aforeſaid*, That the ſaid Commiſſioners ſhall, and they are hereby authoriſed to direct Letters Patent to be prepared for granting to the ſaid Baron *Frederick William Steuben*, in Fee Simple, One Quarter of a Townſhip, equal to Sixteen Thouſand Acres of Land, Part of any Townſhip which he may chuſe, out of the Townſhips to be laid out in any of the Tracts of Land directed to be laid out in Purſuance of this Act, except in the Bounds of the ſaid Lands purchaſed of the *Oneida* Indians, without Fee or Reward, or paying any Conſideration for the Lands ſo to be granted to him; and having approved of ſuch Letters Patent, his Excellency the Governor ſhall affix the Great Seal of this State thereto.

16,000 Acres of Land given to Major-General *Steuben*.

XXXIV. And *whereas* by the ſixteenth Section of the Act, entitled, *An Act for granting certain Lands promiſed to be given as Bounty Lands by Laws of this State, and for other Purpoſes therein mentioned*, the Surveyor-General was directed to make a Subdiviſion of the Lands ſet apart for the *Canadian* and *Nova-Scotia* Refugees, into Lots of Two Hundred and Fifty Acres each. *And whereas* the laying out of ſuch Lots to the *Canadian* and *Nova-Scotia* Refugees as aforeſaid, may not in all Caſes tend to promote a ſpeedy Settlement of the ſaid Lands; for Remedy whereof, *Be it further Enacted by the Authority aforeſaid*, That whenever it ſhall appear to the Commiſſioners of the Land-Office, that a Deviation therefrom will be beneficial to this State, by promoting a more ſpeedy and effectual Settlement of the ſaid Lands, it ſhall and may be lawful for the ſaid Commiſſioners to direct a Subdiviſion of ſuch Lots, in Manner and Form as to them ſhall ſeem proper, at the Expence of thoſe intereſted in ſuch Subdiviſions. *Provided always*, That nothing in this Act contained, ſhall be conſtrued to affect, or in any wiſe annul the Proceedings heretofore had by the Commiſſioners in Favour of the *Canadian* or *Nova-Scotia* Refugees, ſo far as reſpects the Quantity of Lands already ſet apart for them.

Commiſſioners to ſubdivide Lots of *Canadian* & *Nova-Scotia* Refugees, as may to them ſeem proper.

XXXV. *And be it further Enacted by the Authority aforeſaid*, That all Lands that have been granted by Letters Patent, under the Great Seal of this State, or that ſhall be ſo granted by Virtue of this Act, ſhall be, and hereby are exempted, until the Expiration of ſeven Years from the iſſuing of ſuch Grants, from all Taxes hereafter to be impoſed upon the Inhabitants of this State, except County and Diſtrict Taxes.

Lands granted by the State, exempted from State Taxes for ſeven Years.

XXXVI. *And be it further Enacted by the Authority aforeſaid*, That the firſt, ſecond and third Clauſes, and the Proviſo annexed to the ſaid third Clauſe, in the Act, entitled, (*a*) *An Act to prevent Grants or Locations of the Land therein mentioned*, paſſed the 25th of *July*, 1782; and the eighth, ninth and twelfth Clauſes of the Act, entitled, (*b*) *An Act for granting certain Lands, promiſed to be given as Bounty Lands by Laws of this State, and for other Purpoſes therein mentioned*, paſſed the 11th of *May*, 1784; the Act, entitled, (*c*) *An Act to encourage the Settlement of the waſte and unappropriated Lands in this State*, paſſed the 10th of *May*, 1784, and the Act, entitled, (*d*) *An Act to facilitate the Settlement of waſte and unappropriated Lands within this State, and for repealing the Act therein mentioned*, paſſed the 11th Day of *April*, 1785, ſhall be, and hereby are repealed.

Several Acts repealed.

(*a*) 6*th Seſſ. Ch.* 11.

(*b*) 7*th Seſſ. Ch.* 63.

(*c*) 7*th Seſſ. Ch.* 60.

(*d*) 8*th Seſſ. Ch.* 66.

END OF THE FIRST VOLUME.

INDEX

TO THE FIRST VOLUME OF THE LAWS of NEW-YORK.

ABJURATION,

OATH of, to be taken by Persons naturalized, *Page* 14
To be taken by certain Legatees, 185

ACCOUNTS,

Public, how to be settled, 72, 73
Of State Agent and his Deputies, how to be settled, 223
Of Citizens against State Agent and his Deputies, how to be settled, 225
Of Treasurer, when and how to be examined, ibid.

ACTIONS,

Not to be brought for any Thing done with Intent to further the common Cause of *America*, 94

ADHERING to the Enemies of the State,

Certain Persons attainted thereof, and their Estates forfeited, 40
Such Persons banished from this State, ibid.
Other Offenders how to be proceeded against, 41, 42
What to be deemed Evidence of the Offence, 43
Forms of the Proceedings, 48, 49, 50
Errors in the Proceedings remedied, 70
Proceedings confirmed, 170

ADMINISTRATORS,

Who have left this State, how to be proceeded against, 152, 153
No real Estate of Intestate to be affected by Judgments against them, 277
How to proceed where personal Estate is insufficient to pay Debts, ibid.

ADMIRALTY,

The Judge thereof to appoint the Register and Marshal, 11
Seal to be devised and made for the Court, 23
Appeals when to be made and how prosecuted, 184

AFFIDAVITS,

To be used as Evidence in other States, how to be taken, 112

ALBANY, City of.

Doubts concerning the Corporation removed, 21, 28
Firemen exempted from serving as Jurors, 312

ALBANY, County of.

Highways therein how to be laid out, regulated and repaired. See *Highways*, 138
In the *Colonie*, how to be regulated and repaired, 317
Part of *Albany* erected into a new County. See *Columbia*, 280
To elect *seven* Members of Assembly, and no more, ibid.
Loan-Officers how to proceed, 327

ALLEGIANCE,

Oath of, to be taken by Electors, 7
And by Persons naturalized, 14
And by certain Legatees, 185

AMERCIAMENTS.

See *Exchequer*.

APPEALS.

See *Errors*.

ARMY.

See *Lands*.

ASSEMBLY.

To consist of *seventy* Members, chosen annually, *Page* 6
Number of Members to be chosen by each County, 6, 280
Albany to elect *seven* and no more, 280
Columbia to elect *three*, ibid.
Members how to be proportioned after the *Census* is taken, 7
Privileges, and Manner of proceeding, 8
To enter Objections of Council of Revision to Bills at large in their Minutes, 6
Not to adjourn for more than *two Days*, without Consent of the Senate, 8
To hold Conferences with the Senate when they disagree, 9
Their Doors to be kept open, ibid.
To publish their Proceedings, ibid.
Their Number not to exceed *three Hundred*, ibid.
To nominate and appoint a Council of Appointment, 10
Bills objected to by the Council of Revision, and passed last by the Assembly, to be delivered to the Secretary by the Speaker, 23

ASSESSORS,

To be chosen by the People, 11

ATTACHMENT.

See *Debtors*.

ATTAINDER.

No Acts of Attainder to be passed by the Legislature, except for Crimes committed before the End of the War, 14
Persons attainted of adhering to the Enemies of the State, 40

ATTORNIES,

How to be appointed, licensed and regulated, 11

AUCTION.

See *Vendues*.

AUDITOR,

How to be appointed, 72
His Power and Duty, 72, 73
His Salary, 73, 250
Committee appointed to advise and instruct him, 188
How to liquidate Accounts of *Udny Hay*, 223
State Agent's Deputies to deliver Accounts and Vouchers to him on Oath, ibid.
How to state Accounts of State Agent and his Deputies, ibid.
How to settle such Accounts where Vouchers are wanting, 224
To settle Accounts and Claims of Citizens against State Agent, 225
To record Certificates and Affidavits of Invalids, 314, 315
To transmit a List of Invalids resident in this State yearly to the Secretary at War, and to the Treasurer of this State, 315

AUTHORS,

To have the sole Right of printing and publishing their Works for a limited Time, 320, 321
Name and Title of Book to be registered, 320
To furnish the Public with sufficient Editions, 321
Penalty for printing and publishing them without Consent of the Proprietors, ibid.

BALLOT.

See *Governor*. *Election*.

BANK,

OF *North-America* incorporated, 79
Officers or Servants thereof fraudulently converting the Property or Credit thereof to their own Use, guilty of Felony, 80

INDEX.

BILLS of CREDIT.

200,000l. in Bills of Credit to be emitted, *Page* 283
Number and Form of the Bills, and by whom to be ſigned, ibid.
Oath of the Printer, ibid.
Signers Duty and Oath, 284
Treaſurer to deliver certain Sums to Loan-Officers, 284, 285
Felony to counterfeit or alter, or knowingly to paſs any altered or counterfeit Bill, 291
When and how, and by whom to be deſtroyed, 299
When to be exchanged by the Treaſurer, ibid.
To be received for Duties and by Loan-Officers, 302
In what Caſes to be a *legal Tender*, 303

BISCUIT,

Caſk containing it to be branded, 197

BOOKS,

Penalty for printing and publiſhing them without the Conſent of the Proprietor, 321

BOUNTY.

Two Regiments raiſed on Bounties of Land, 63
How ſuch Lands to be located and granted, 64, 155
Lands to be forfeited if not ſettled, 65, 333
Troops raiſed to complete the Line of the State, and the two Regiments on Bounties of Land, 74, 75
Perſons entitled to Bounties to produce Certificates, 155
Lands to be ſurveyed at the Expence of the Party, 157
Locations on certain Lands may be withdrawn, 331

BUILDINGS,

Appropriated to the Uſe of the Governor and Secretary, 102, 103, 179

CASK,

FOR Flour, how to be made, and of what Size, 197

CENSUS,

Of Electors and Inhabitants, when to be taken, 7, 8

CERTIFICATES.

See *Public Securities.*

CHAMBER of COMMERCE,

Their former Charter confirmed, 113 to 120

CHANCE.

See *Lotteries.*

CHANCELLOR,

To hold his Office during good Behaviour, or until *ſixty* Years old, 10
To hold no other Office except *Delegate* to Congreſs on ſpecial Occaſions, ibid.
To appoint the Regiſter and Clerks in Chancery, 11
To cauſe a Seal to be deviſed and made for the Court, 23

CHANCERY.

Seal to be made for the Court, 23
Proceſs of the Court to iſſue under ſuch Seal, 24
Proceedings therein in what Caſes to be before the People of this State, ibid.
Appeals when to be made and how proſecuted, 183, 184

CHARACTERS equivocal and ſuſpected.

See *Neutrals.*

CHARLOTTE COUNTY.

The Name altered to *Waſhington*, 104

CHARTERS,

Not to be void for Non-Uſer or Miſ-Uſer between the 19th *April*, 1775, and 20th *April*, 1777, 13
Officers thereof how to be appointed, ibid.
Of *Dutch* Church in *New-York*, Doubts concerning it removed, 101
Of Chamber of Commerce confirmed, 119
Of Corporation of *Trinity* Church altered, 128

CHURCH.

Dutch Church of *Tappan*, in *Orange* County, incorporated, *Page* 91
Of *New-York*, Doubts concerning their Charter removed, 101
Their Power to raiſe Money on the Members abrogated, 102
Of *Flat-Buſh* to convey Lands for an *Academy*, 322
Trinity Church in *New-York*, Charter altered, 128

CHURCH, TIMOTHY,

Lands granted to him and others, 332

CIRCUIT COURTS,

How to be appointed, and when and where to be held, 303, 304
Authority of the Circuit Courts, 304
Sheriffs and other Officers to make Returns to the Court, 305
May award a *Tales de Circumſtantibus*, 311

CLARK, THOMAS,

The Eſtate conveyed to him by *De Lancey* and *Dubois*, veſted in this State, 220
Commiſſioner of Forfeitures for the Eaſtern Diſtrict empowered to ſell it, 221
Compenſation to him for promoting the Settlement of the Lands, 222

CLERKS.

See *Chancellor. Probates. Supreme Court. Superviſors. Town Clerks.*

COLDEN, ALEXANDER,

His Executors to deliver to Surveyor-General, Papers and Records belonging to that Office, 103

COLLECTORS,

To be choſen by the People, 11

COLUMBIA, County of.

Part of *Albany* erected into a County, by the Name of *Columbia*, 280
To elect *three* Members of Aſſembly, ibid.
To remain Part of the Weſtern Diſtrict, ibid.

COMMISSIONERS of FORFEITURES,

See *Eſtates forfeited.*

How and what Number to be appointed, 45, 160
Their Power and Duty, 45, 160, 161, 164—175, 178, 323
Purchaſes by them void, 47, 170
To take an Oath, 47, 171
Form of Conveyances to be given by them, 50
To ſell forfeited Eſtates and execute Deeds, 160, 178
Deeds to operate as a Warranty, 160
May ſell at private Sale or public Vendue, 160, 161
How to ſell Lands mortgaged or incumbered, 161, 162
To receive Money and certain Certificates in Payment, 162, 163
To take Security for Part of Purchaſe-Money, 164, 212
Purchaſers when to pay Purchaſe-Money, 164, 212, 324
When to ſell Lands again, and ſue firſt Purchaſer, 323
To tranſmit Money and Certificates to the Treaſurer, and account every ſix Months, 164
How to ſell Lands mortgaged for new Emiſſion, 165
How to ſell Lands to holders of Certificates given for Depreciation of Pay, 166
May make Partition of Lands held in Common, 167, 168, 169
May ſell the Part of the State without Partition, 170
To make Abſtracts of Sales and file them, 171
To report Sales and Impediments to the Governor, ibid.
To collect the Rents of forfeited Eſtates, ibid.
May proſecute on Statutes of forcible Entry and Detainer, 172
Empowered to ſummon Witneſſes, 173
May demiſe forfeited Lands for *a Year*, 174, 196
To maintain certain Slaves, 174
Not to ſell certain Eſtates, 87, 177, 178, 179, 325
Allowance for their Services, 178
To ſet apart a Lot in *John's-Town* for a School, 188
Indemnified for making and giving Leaſes, 196
To receive certain Rents in Certificates, 226
To convey Lands to *Dutch* Church at *Cagbnawaga*, 325
To convey Lands to *Dutch* Church at *Tarry-Town*, ibid.
To convey Church and Lands to Truſtees of the *Epiſcopal* Church in the Manor of *Philipſburgh*, ibid.

COMMISSIONERS of SEQUESTRATION,

Indemnified for ſelling Effects of *Benjamin Smith*, 77
Their Powers repealed, 170
To be accountable, and Monies ariſing by Sales to belong to the State, ibid.
To file their Accounts in the Auditor's Office, and to pay Monies received into the Treaſury, 188
Not to be ſued for any Act done in the Execution of their Truſt, ibid.
Indemnified for making and giving Leaſes, 196
To receive certain Rents and Debts in Certificates, 226
To deliver Books and Papers to the Treaſurer, 327

COM-

I N D E X.

COMMISSIONS,

May be on Paper during the War and a Year after, *Page* 24
How to be made out, 25

COMMITTEE,

Appointed to assist and instruct the Auditor, 188

COMMON PLEAS, Court of.

First Judge to hold his Office during good Behaviour, or until sixty Years old, 10
And to hold no other Office except Senator or Delegate, ibid.
New Commissions to be issued to the other Judges and the Justices, once in every *three Years*, 11
Seal thereof to be devised and made, 23
When and where to be held, 24
Judges to meet Supervisors to inspect Accounts of Loan-Officers, 292

CONFEDERATION,

Of the United States, Articles thereof, 15
Approved and ratified by this State, 21, 52
Part of the eighth Article altered, 217

CONGRESS,

Recommend the Establishment of Governments, 2
Declare the United Colonies *Independent States*, 5
May prosecute Suits in the Courts of this State, 35
How to adjust Proportion of this State of Expences of the War, 84
Authorised to appoint Commissioners to run the Line between this State and *Massachusetts*, 193

CONGRESSES and COMMITTEES,

Government by them introduced from Necessity, 1
Inconveniencies attending such Government, ibid.

CONGRESSES of the Colony of *New-York*,

Their Resolutions Part of the *Law* of the State, 12

CONSTABLES,

To be chosen by the People, 11
To prevent private Lotteries and Games of Chance, 89
Penalty on them for not attending Courts, 309

CONSTITUTION,

Of the State of *New-York*, 1—14

CONTINENTAL DEMANDS,

How to be recovered, 35

CONTINENTAL EMPLOY,

Frauds therein how punished, 35

CONVENTION,

Empowered to establish a Government in this State, 2, 5
Their Resolutions Part of the Law of this State, 12

CORONERS,

To be annually appointed, 11
No Person to hold the Office more than four Years successively, 11

CORPORATIONS, Religious.

Religious Societies how to be incorporated, 105
May hold Estates of the yearly Value of 1200l. 107, 110
Triennially to exhibit an Account and Inventory of their Estates and Revenue, 109
In Default thereof Corporation to cease, 109

COUNCIL of APPOINTMENT.

The Assembly once in every Year to nominate a Senator from each District, to form a Council for the Appointment of Officers, 10
The Governor to be President of the Council, ibid.
No Senator eligible for two Years successively, ibid.
Secretary to be Clerk of the Council, 25

COUNCIL of REVISION.

The Governor, Chancellor, and Judges of the Supreme Court, constituted a Council to revise Bills about to be passed into Laws, 6
To be called the Council of Revision, 22
To meet when the Legislature is convened, *Page* 6
To revise all Bills about to be passed into Laws, ibid.
To receive no Salary or Reward for it, ibid.
If any Bill appears to them improper to become a Law, they shall return it, with their Objections, to the House where it originated, ibid.
Bills to become Laws, if not returned by the Council in ten Days, ibid.
If the Legislature adjourns before the Expiration of ten Days, the Bill to be returned the first Day of their next Meeting, ibid.
Bills not appearing to the Council improper to become Laws, or having been before them ten Days and not returned, shall be delivered by the Governor, with a Certificate indorsed, to the Secretary, to be recorded, 22

COUNSELLORS at LAW,

How to be appointed, licensed and regulated, 11

COUNTIES.

The Names of the Counties of this State, 6, 104, 280
The Legislature may divide the State into other Counties, 8

COUNTY TREASURERS,

How to be appointed, 11

COURTS.

See *Admiralty. Chancery. Circuit Courts. Common Pleas. Errors. Exchequer. Gaol Delivery. New Courts. Oyer and Terminer. Probates. Sessions of the Peace. Supreme Court.*

CRANAGE,

Rates thereof established, 127

CROWNS, FRENCH,

To pass for Nine Shillings, 71

DAMAGED GOODS and VESSELS.

HOW and by whom to be surveyed, 122

DEANE, JAMES,

Land granted to him, 333

DEBTORS,

Who removed to or remained with the Enemy, and have since left this State, how to be proceeded against, 147
Departed or concealed, how to be proceeded against, 185, 254
Judge of the Supreme Court, on Proof, to issue a Warrant to attach such Debtor's Estate, 254
How such Warrant is to be executed, ibid.
Notice of issuing such Warrant to be given, ibid.
Payment of Money or Delivery of Goods to the Debtor after such Notice, deemed fraudulent, 255
Sales and Conveyances by Debtor after such Notice void, 256
Debtor appearing and giving Security, to have a *Supersedeas*, 263
Judge may order perishable Goods to be sold immediately, 255
Proceedings in Case Goods seised are claimed by others, ibid.
How Persons against whom such Warrants are wrongfully issued, may be relieved, 256, 257
If Debtor does not return, Trustees to be appointed, 257
Trustees to notify their Appointment, ibid.
And require Debts and Effects to be paid and delivered to them, ibid.
And desire Creditors to deliver their Accounts, ibid.
To recover and sell Debtor's Estates and Effects, 258
May examine any Person on Oath, 258, 259, 260
To settle all Accounts between Debtor and Creditor, 260
May settle Controversies by Reference, 261
To make Dividends, ibid.
To record their Appointments, if they sell real Estate, 265
Their Appointment and Conveyance a good Title, ibid.
To keep regular Books of Account, ibid.
To render Account on Oath in open Court, 265, 266
Their Allowance for their Trouble, 266
Persons concealing Debts or Effects, forfeit double the Value, 258
Courts may compel such Persons to answer on Oath, ibid.
Any Justice, on Application, to send for any Person to be examined on Oath, 258, 259
Examinations to be in Writing, and signed, 259
Persons refusing, to be committed until they submit, ibid.
Warrants of Commitment to specify the Default, ibid.
Not to be discharged for Want of Form in the Warrant, 260
Penalty on Gaolers for suffering such Persons to escape, ibid.
False swearing to be deemed Perjury, ibid.
Discoverer of secreted Effects allowed 10 *per Cent.* ibid.
Dividends when and how to be made, 261, 262
Creditors whose Debts are not then due, entitled to a Dividend on a Rebate of Interest, 262

Creditors

INDEX.

Creditors neglecting to deliver or ſettle their Accounts, excluded from a Dividend, *Page* 262
Creditors reſiding out of the State, entitled to the Benefit of this Act, ibid.
Eſtates of Debtors reſiding out of this State, liable to Seizure, ibid.
Ships ſeized may be diſcharged on Security, 263
Firſt Judge of Common Pleas, and Mayor and Recorder of the City of *New-York*, may execute this Act in their Counties, ibid.
Where Warrants are iſſued by a Judge of the Supreme Court and a Judge of the Common Pleas, Mayor or Recorder, the Proceedings before the latter to be removed by Certiorari, ibid.
Judge iſſuing Warrants to report Proceedings, 263, 264
Judge appointing Truſtees to indorſe Allowance to record it, 264
Appointment of Truſtees concluſive Proof, ibid.
Affidavits, Warrants and Return to be filed, 264, 265
Conveyances of former Truſtees confirmed, 265
Warrants on former Acts how to be proceeded on, 266
Perſons ſued for executing this Act, may plead the general Iſſue, ibid.

DEBTS,

To Perſons within the Enemy's Lines, how to be paid, 82, 83, 185
Intereſt in what Caſes and for what Time diſcharged, 83
This Act to extend to Executors and Adminiſtrators, 184
How to proceed againſt ſuch Debtors who conceal themſelves or leave the State, 185
Aſſignment of ſuch Debts in what Caſes deemed fraudulent, ibid.
Due from Perſons whoſe Eſtates are forfeited, how to be aſcertained and paid, 174—176
Due to ſuch Perſons, how to be recovered and paid, 176, 177
Due to the State, how to be ſettled and paid. See *Exchequer*, 225

DEEDS,

For forfeited Eſtates, how to operate, 45, 160
Form thereof, 50
In Purſuance of Lotteries void, 89
For Lands ſold for Quit-Rents, 252
For Lands ſold by Truſtees for Creditors of abſconding or abſent Debtors, 265
For Lands ſold by Order of Court of Probates, 278
For Lands ſold by Loan-Officers, 298

DELEGATES to CONGRESS,

To be appointed annually, 11, 16
The Manner of appointing them, 11
Authoriſed to ratify the Confederation, 21, 52
Their Commiſſions, how and by whom to be iſſued, 25
Authoriſed to limit the weſtern Bounds of this State, 53

DESCENT,

Regulated in certain Caſes, 246, 247

DEVISEES,

How to proceed againſt others who have left this State, 152, 153
Liable to Teſtator's Debts on ſimple Contract or Specialty, 276, 277
Where liable to pay Money due on Mortgage to Loan-Office, 294

DISTEMPERS, Infectious.

Veſſels having Perſons on board, or coming from any Place infected with any contagious Diſtemper, to perform Quarantine, 150
Phyſician to be appointed to inſpect ſuch Veſſels, 151

DISTRICTS.

State divided into four Diſtricts, 8
Legiſlature may divide it into other Diſtricts, ibid.

DUBOIS, PETER,

His Truſtees to account to the Treaſurer for the Surplus of his Eſtate, and the Shares of *White*, *Low* and *Kempe*, 221

DUTCHESS COUNTY.

Highways therein how to be laid out, regulated and repaired. See *Highways*, 138

DUTIES,

On Goods ſold at Vendue, 97

ELECTIONS,

FOR Senators and Repreſentatives, to be by Ballot, 7
If found inconvenient, Balloting may be aboliſhed, ibid.

ELECTORS,

Of Members of Aſſembly, their Qualifications, 7
To take an Oath of Allegiance, ibid.
Of Senators, their Qualifications, 8

ENTAILS,

Aboliſhed and turned into Fee-Simple, *Page* 245
Conveyances by Tenants in Tail confirmed, ibid.

ERRORS,

Court to be inſtituted for Correction thereof, 11
Court for Correction of Errors conſtituted, 181
A Seal to be deviſed and made for the Court, ibid.
Clerk of the Court how to be appointed, ibid.
Form of Proceſs, ibid.
Manner of proceeding upon Writs of Error, 182, 183
Manner of proceeding on Appeals from Chancery, 183
From Courts of Probates and Admiralty, 184
Writs of Error to be brought within five Years, ibid.
Appeals from final Decrees in Chancery to be made within five Years, ibid.
Writs of Error in criminal Caſes how to be obtained, ibid.

ESTATES, Forfeited. See *Commiſſioners of Forfeitures.*

For adhering to the Enemies of this State, 40
Mode of convicting other Offenders, 41
Real Eſtates of Inhabitants exchanged as Priſoners of War, forfeited, 65
Errors in Convictions remedied, 70
Forfeitures and Confiſcations confirmed, 170
Debts due from Perſons whoſe Eſtates are forfeited, how to be aſcertained and paid, 174, 175, 176
Debts due to them how to be recovered and paid, 176, 177
Diſcoverer of forfeited Lands may locate them in Truſt, 322

EXCEPTIONS.

Bills of Exceptions when and how to be taken, 305

EXCHEQUER,

Court when, where and by whom to be held, 240
Of what Cauſes to have Cognizance, 240, 241
Clerk how and by whom to be appointed, 241
His Duty, and Forfeiture for Neglect, ibid.
His Oath and Salary, 242
To give Security, 243
Seal to be deviſed and made, 241
Form of the Proceſs, 242
Clerks of other Courts to return Eſtreats into the Exchequer, ibid.
Sheriffs and other Officers when to account, 242, 249
Suits to be proſecuted by the Clerk or Attorney-General, 243
Form of Executions, ibid.

EXECUTORS,

Who have left this State, how to be proceeded againſt, 152, 153
Where ſeveral have been appointed, and one or more have left this State, ſuch as remain to execute the Truſt, 153, 154
Conveyances to them to be in Joint-Tenancy, 247
No real Eſtate of Teſtator affected by Judgments againſt them, 277
How to proceed where perſonal Eſtate is inſufficient to pay Debts, ibid.
Where liable to pay Money due on Mortgage to Loan-Office, 294

FEES

OF the Court of Probates, 279

FINES.

See *Exchequer.*

FIRE WORKS. See *New-York.*

Penalty for diſcharging any Gun, Piſtol, Rocket, Squib or other Fire Work, at certain Times, and within certain Limits, 228

FLOUR,

Caſk containing it to be branded, 197
Penalty for putting falſe Brand of Weight, or falſe Tare thereon, ibid.
To be inſpected before Exportation, ibid.
Penalty for exporting Flour not inſpected, 198
Inſpectors may go on board of Veſſels to ſearch for Flour ſhipped without being inſpected, ibid.
To be inſpected at or after the Purchaſe, ibid.
Owner to prove where it was manufactured, 199
Name of the Manufacturer to be marked on the Caſk, ibid.
Inſpectors how to be appointed, ibid.
Their Oath, ibid.
May be exported from the Place where inſpected, ibid.
Inſpectors not to purchaſe condemned Flour, nor any other except for their own Uſe, 200
Penalty for refuſing to inſpect, ibid.
Penalty for counterfeiting or altering Brands, ibid.
Penalty for emptying inſpected Caſks to put in uninſpected Flour, ibid.
Inſpectors to ſue for Fines and Forfeitures, ibid.

INDEX.

FORFEITURES,

For adhering to the Enemies of this State, *Page* 40, 41
Errors in Convictions for it remedied, 70
Real Eſtates of Inhabitants exchanged as Priſoners of War, forfeited, 65
Forfeitures and Confiſcations for adhering to the Enemies of this State, confirmed, 170

FRONTIERS.

Troops raiſed for Defence thereof on Bounties of Land, 63, 74

GAMING.

See *Lotteries.*

GAOL DELIVERY.

JUSTICES thereof to charge Grand Juries to preſent Offences againſt the Act to prevent private Lotteries, 87

GOVERNMENT,

By Congreſſes and Committees inſtituted from Neceſſity, 1
Inconveniencies of ſuch Government, ibid.
Reaſons for inſtituting and altering Governments, 3
Of this State organized, 22—25

GOVERNOR,

Executive Authority of this State veſted in him, 9
When, by whom and how to be choſen, ibid.
His Power and Duty, ibid.
To be Preſident of the Council of Appointment, 10
To deliver Bills not objected to by the Council of Reviſion, to the Secretary, 22
To keep the Great and Privy Seals, 23
To tranſmit Copies of the Laws to Congreſs and the Executive of the other States, 33
May exchange Inhabitants as Priſoners of War, 65
To have the Uſe of *Nutten-Iſland*, and the Charge of the Fort and public Buildings, 102
Buildings appropriated to his Uſe, 102, 179
To arrange the Militia, and how, 267, 273
To order out the Militia in certain Caſes, 271
To obtain the Age, Rank and Reſidence of former Militia Officers, 275, 276

GRANTS,

Made by the King of *Great-Britain* after 14th *October*, 1775, void, 12

GUINEAS, French.

To paſs for Thirty-ſix Shillings and Four-Pence, 71

GUNS.

See *Fire Works. New-York.*

HAWKERS.

See *Pedlers.*

HEIRS.

HOW to proceed againſt Perſons who have left this State, 152, 153
Liable to Debts of Anceſtors, both on ſimple Contract and Specialty, 276
Heirs and Deviſees liable to the Value of Lands after Alienation, ibid.
Manner of proceeding againſt Heirs and Deviſees, 277

HIGHWAYS.—See the reſpective Counties.

Commiſſioners thereof how to be choſen or appointed, 138
Their Duty, 139, 140
To fix how many Days each Perſon ſhall work, 140
May order Overſeers to work on Roads, 143
To direct Monies to be raiſed for erecting Bridges and improving Roads, ibid.
To take an Oath, 144, 201
Their Allowance, 147
New Roads how to be laid out and paid for, 139
Penalty for obſtructing Roads, ibid.
Breadth of Roads, ibid.
Overſeers of Highways how to be choſen, 138
Vacancies how to be ſupplied, 143
Their Duty, 140, 143
Penalty for Neglect, 143
Who liable to work on the Roads, 140
May commute for Work, 142
To bring Tools, 140, 141
Penalty for Neglect, 140, 142
Trees therein belong to the Owners of the Land, 141
Trees falling acroſs a Road to be removed by the Owner, *Page* 141
Highways to be recorded, ibid.
Private Roads how to be laid out, ibid.
Gates where to be made, 142
Penalty for injuring or ſtaking open Gates, ibid.
Towns to be divided into Road Diſtricts, ibid.
Juſtices may order Overſeers to work on Roads, 143
Bridges in *Goſhen* and *Cornwall* how to be repaired, 144
Fords in *Ulſter* to be filled up and levelled, 145
Carriages meeting, which of them is to give Way to the other, ibid.
Roads to Places of Embarkation, how to be laid out and maintained, 145, 146
Roads to be opened when deep Snows fall, 146
All Roads laid out and uſed for 20 Years, to be conſidered as public Roads, 201

HUDSON, City of.

Inhabitants thereof incorporated, 229
Officers how to be choſen or appointed, 230
To take Oaths, 231
Penalty for neglecting to accept an Office, ibid.
Marſhal, Treaſurer, Collector and Conſtables to give Security, 232
Common Council to make Bye-Laws, ibid.
How and when to be convened, 233
May fine Officers and Members for Non-Attendance, ibid.
May make, alter and repair Streets, &c. ibid.
May eſtabliſh Ferries, ibid.
May eſtabliſh Markets, 234
May erect Houſes of Correction, and an Alms-Houſe, and regulate them, 234, 235
And Gaols, and appoint Keepers thereof, 235
May licence Tavern-Keepers, ibid.
The Mayor thereof to be Clerk of the Market and Water-Bailiff, 234
The Mayor, with Advice of Common Council, to appoint Porters and Cartmen, &c. ibid.
In the Abſence of the Mayor, the Recorder veſted with his Power, 231
Freemen to vote Money to purchaſe Ground for public Buildings, and for Relief of the Poor, 235, 236
The Mayor, Recorder and Aldermen to hold a Court of Common Pleas, 236
The Clerk of the City to be Clerk of the Court, ibid.
Subordinate Officers to attend upon the Judges, and execute their Precepts, ibid.
Perſons reſiding therein four Months, entitled to the Privileges of the City, ibid.
Land under Water granted to *Jenkins* and others, 237

JENKINS, THOMAS.

LAND under Water granted to him and others, 237

IMPEACHMENTS.

Court for the Trial of them to be inſtituted, 11
Court for the Trial of them and Correction of Errors, conſtituted, 181
A Seal to be deviſed and made for the Court, ibid.
Clerk of the Court how to be appointed, ibid.
Form of Proceſs, ibid.
Manner of proceeding upon Impeachments, 182
Members of the Court to be ſworn, 12, 182
Power of impeaching Officers veſted in the Aſſembly, ibid.
Perſons impeached allowed Counſel, 12

INDEPENDENCE.

Declaration thereof, 3, 4, 5
Approved by the Convention, 5

INDIANS.

Importance of Peace with them, 13
Contracts for the Sale of their Lands not valid, unleſs made with Conſent of the Legiſlature, ibid.

INDICTMENTS,

For adhering to the Enemies of this State, where and how to be taken, 41, 42
Such Indictments to be returned to and tried in the Supreme Court, 42

INSPECTORS,

Of Pot and Pearl Aſhes, how to be appointed, 134
Of Sole-Leather, how to be appointed, 136
Of Flour, how to be appointed, 199

INVALIDS.

Perſons appointed to examine and give them Certificates, 314
Their Certificates to be recorded, ibid.
Annually to take an Oath, ibid.
Treaſurer to pay them their Penſions, 315

JOINT-TENANTS.

No Eſtate in Joint-Tenancy to be claimed under any Deviſe or Conveyance, other than to Executors or Truſtees, unleſs declared to paſs in Joint-Tenancy, 247

ISSUES.

See *Exchequer.*

JURORS

INDEX.

JURORS and JURY.

Trial by Jury eſtabliſhed, *Page* 14
Venires to be awarded of the Body of the County, 305
Qualifications of Jurors, 305, 306, 310
Words to be inſerted in the Venire, 306
Places of Abode and Additions of Jurors to be inſerted in the Panel, ibid.
Number of Jurors to be ſummoned, ibid.
Panels to be annexed to Writs of *Habeas Corpora* and *Diſtringas*, 307
To be ſummoned ſix Days before Trial, ibid.
To ſerve but once a Year, except on ſtruck Juries and in Mayors Courts, ibid.
How to be choſen to ſerve on Trials, 308
Penalty for not attending, 309
How and in what Manner to have a View, ibid.
How to be choſen for a View, ibid.
Such as have had a View to be firſt ſworn, ibid.
Struck Juries how to be had, 310
Manner of ſtriking them, ibid.
Fees of ſtriking a Jury by whom to be paid, ibid.
Between Citizens and Aliens, to be half Citizens and half Aliens, 311
Challenges for the State when to be made and how tried, ibid.
Tales de Circumſtantibus where, when and how to be awarded, ibid.
Juror taking any Thing to give his Verdict, to forfeit ten Times as much, 312
Embraceors how to be puniſhed, ibid.
Jury may find a ſpecial Verdict, ibid.
Firemen exempted from ſerving on Juries, ibid.

JUSTICES of the PEACE,

To have new Commiſſions once at leaſt in three Years, 11
To prevent private Lotteries and Games of Chance, 89

KING's COUNTY.

FIREMEN of *Brooklyn* exempted from ſerving as Jurors, 312
Dutch Church of *Flat-Buſh* to convey Lands for an *Academy*, 322

KING's DISTRICT.

Inhabitants thereof quieted in their Poſſeſſions, 86

KIRKLAND, SAMUEL,

Land granted to him, 334

KLOCK, GEORGE,

And others, authorized to locate a Tract of Land, 335

LAND.

GRANTS thereof by the King of *Great-Britain*, after 14th *October*, 1775, void, 12
Troops raiſed on Bounties of Land, 62, 74
A Tract ſet apart for the Army and others, 85, 158, 332, 333
To be granted to *Lamb*'s Regiment, 158
Thoſe entitled to Lands to exhibit their Claims within a certain Time, 158, 333
To be granted to *Canadian* and *Nova-Scotia* Refugees, 158, 159, 333, 336
Certain Lands not to be granted or located, 85, 156, 157
Reſerved for the Uſe of the State, may be leaſed, 157
Waſte and unappropriated, how to be diſpoſed of and granted, 328, 329, 330
Two Lots in each Town reſerved, 330
Certificates receivable on Sales, 335
What Lands ſubject to Locations, 331
In Southern Diſtrict not to be located or granted, ibid.
Under Water, to what Characters and how to be granted, 332
In what Caſes to be granted to Improvers, ibid.
To be granted to *Church* and others, ibid.
To *James Deane*, 333
To *Abraham Wemple*, 334
To *Samuel Kirkland*, ibid.
To Baron *Steuben*, 336
Settlements within what Time to be made, 333
Perſons entitled on equitable Claims, to ſue out Letters Patent in a limited Time, ibid.
George Klock and others to locate a certain Tract, 335
Granted by the State, exempt from Taxes, 336

LAND OFFICE.

Commiſſioners thereof appointed, 328
Their Powers, ibid.
To name the Townſhips ordered to be ſold, 331
May grant Lands under Water, 332
To appropriate Lands for *Church* and others, ibid.
To appropriate Lands for *Canadian* Refugees, 333
To direct the Form of Letters Patent, 335
To ſubdivide Lots of *Canadian* and *Nova-Scotia* Refugees, 336
Fees allowed them and the Secretary, 334

LAW,

Of this State, *Page* 12

LAWS.

Stile of thoſe to be paſſed by the Legiſlature, 11
To be recorded, 23
Copies to be tranſmitted to Congreſs, and to Executive of each State, 33
Perſons appointed to reviſe and digeſt them, 281
Manner of reviſing and digeſting them, 281, 282
Time and Salary allowed for the Reviſion, 282
Three Hundred Copies to be delivered to the Treaſurer, ibid.
Printer thereof when and how to be paid, ibid.

LEATHER.

Sole-Leather to be inſpected, 136
Penalty for ſelling or uſing it uninſpected, 137

LEGATEES,

How to proceed againſt others who have left this State, 152, 153
To take Oaths of Abjuration and Allegiance in certain Caſes, 185

LEGISLATURE,

To conſiſt of an Aſſembly and Senate, 5
To ſend Bills to Council of Reviſion, 6
May paſs Bills notwithſtanding Objections, ibid.
Not to inſtitute any new Court but ſuch as ſhall proceed according to the Courſe of the Common Law, 14
Not to paſs Acts of Attainder, ibid.
When and where to meet, if not convened by Proclamation, 248

LESSEES.

See *Tenants*.

LIEUTENANT-GOVERNOR,

When, by whom and how to be choſen, 9
Preſident of the Senate, 10
In what Caſes to adminiſter the Government, ibid.

LINE,

Between this State and *Maſſachuſetts*, how to be run and marked, 193, 320
Between this State and *Pennſylvania*, to be run and marked, 195

LOAN OFFICERS,

How and by whom to be appointed, 11, 286, 327
To receive of Treaſurer certain Sums in Bills of Credit, 284, 285
To give Security and take an Oath, 285
To be Bodies Politic and Corporate, 286
To loan the Bills on Mortgages of real Eſtates, ibid.
To aſcertain the Value of Security offered, ibid.
May adminiſter an Oath to Borrowers, 287
How to make Loans and take Mortgages, 287, 288, 293
Dying, or neglecting their Duty, others to be choſen, 288, 292
How to be diſcharged from Office, if they deſire it, 289
To deliver Monies, Books and Papers to Succeſſors, on Oath, ibid.
Times of Attendance, ibid.
When to advertiſe and ſell mortgaged Premiſes, 290
Their Duty in Caſe of Sales, ibid.
To proſecute fraudulent Mortgagors, ibid.
Where to keep their Office, 291
Their Salaries, 292
To retain their Salaries out of Intereſt, and pay the Reſidue to the Treaſurer, 291
Their Accounts to be inſpected yearly, 292
May lend on Security of Plate, and how, 293
To carry Bills remaining eight Weeks in their Hands to the next County, ibid.
All Perſons to have Acceſs to their Books, 294
Form of Mortgages to be taken by them, 295
How to take and diſcharge Mortgages, 296
Directions to them, 297
Form of Deeds to be given by them, 298
Form of Bond to be given by them, ibid.
On what Conditions Suits on their Bonds ſhall be ſtayed, 299
May examine Perſons on Oath, as to Title and Value of Lands, ibid.

LOTTERIES,

Deemed Nuiſances, and indictable, and prohibited, 87
Penalties on making them, or ſelling or buying Tickets, 88
Adventurers therein to forfeit their Prizes, ibid.
Adventurers therein drawing a Blank, on informing againſt the Promoters, may recover double the Sum adventured, with double Coſts, ibid.
Conveyances in Purſuance of Lotteries void, 89
Where ſeveral Perſons are concerned, Penalties may be recovered againſt all or either of them, ibid.
Juſtices and other civil Officers to prevent them, ibid.

MAGAZINES,

INDEX.

MAGAZINES,

TO be eſtabliſhed and maintained in every County, *Page* 13, 14

MARINE SOCIETY,

Their Name of Incorporation altered, 328

MARSHAL.

See *Admiralty. Hudſon.*

MASSACHUSETTS.

Line between this State and *Maſſachuſetts* to be run and marked, 193, 320
Diſpute therewith how to be ſettled, 319

MASTER and WARDENS of the Port of *New-York*,

How to be appointed, 120
May impoſe Fines on Pilots for Neglect, 120, 121
Not to be concerned in Pilot-Boats, 121
To aſcertain Damages ſuſtained by Neglect of Pilots, 122
To ſurvey damaged Goods and Veſſels, ibid.
To take an Oath of Office, 123
To keep an Office in the City of *New-York*, and provide and keep a Clerk, ibid.
Their Clerk to receive Pilotage and pay Pilots, ibid.
To eſtabliſh Rates of Pilotage in the *Sound*, 124
To give Pilots printed Inſtructions, ibid.
Exempted from ſerving on Juries, ibid.
May appoint Pilots on ſpecial Occaſions, 125
To ſue for Penalties on the Act to prevent infectious Diſtempers, and apply the Money to ſupport the Light-Houſe, 151

MEASURES.

See *Weights and Meaſures.*

MILAGE,

From what Places to be computed, 25, 26

MILITIA,

Officers to be appointed during Pleaſure, 10
To be armed and diſciplined, 13
Regulated, 266
What Perſons liable to ſerve therein, ibid.
How to be armed, accoutered and arranged, 267
How often to rendezvous, 268
May be ordered out in Caſe of Invaſion or other Emergency, 271
What Characters exempted from ſerving therein, 271, 272, 275
Of *Richmond*, how to be formed, 274
How to be ordered out in Time of Invaſion, ibid.
Diſabled in Service, how to be provided for, ibid.
Diſputes about Age and Ability, how to be determined, 267
Serjeants, Corporals, Drummers and Fifers how to be appointed, and Penalty on them for refuſing to ſerve, ibid.
Colours, how to be provided, 268
Adjutant-General, his Duty and Salary, 269
Inſpectors of Brigades how to be appointed, and their Duty, ibid.
Officers to report Acceptance of Appointments, ibid.
How to be puniſhed, 270
Their Rank how to be ſettled, ibid.
Their Duty in Caſe of Inſurrection, 274
Companies of Light Infantry how to be raiſed, 267, 274
Courts Martial of whom to be compoſed, and how to proceed, 269, 270
Fines on non-commiſſioned Officers and Privates, 270
How to be levied and diſpoſed of, 271
For not obeying Orders, and how to be levied, 275
Money to be paid in Lieu of Service by Quakers, 272
How to be collected and applied, ibid.
Inhabitants of *Waſhington* and *Montgomery* Counties, living above 30 Miles from the Parade, may be excuſed from attending Regimental and Brigade Parades, 274
Military Uniform, 275
Commiſſary of Military Stores to be appointed, 274

MINES,

Of Gold and Silver reſerved to the State, 335

MINISTERS of the GOSPEL,

Not to hold any civil or military Office or Place, 13
Laws for raiſing a Maintenance for them in certain Counties repealed, 132

MONTGOMERY COUNTY,

Highways therein how to be laid out, regulated and repaired. See *Highways*; 138

MORTGAGES,

To Perſons whoſe Eſtates are forfeited, how to be paid and diſcharged, *Page* 187
To Loan-Officers, how to be taken, and the Effect thereof, 287, 289, 294

MORTGAGORS,

Proceedings in Equity againſt ſuch as cannot be ſerved with Proceſs, 190
Not appearing within the Time limited by the Court, the Bill to be taken *pro Confeſſo*, and a Sale to be decreed, 191
On entering Appearance before Sale, *Superſedeas* to iſſue, ibid.
May compel Mortgagee to account within *ſeven* Years, ibid.
Brought into Court, and refuſing to enter Appearance, the Court to appoint a Clerk to do it, 192

NATURALIZATION.

LEGISLATURE may naturalize Foreigners, 14
Perſons naturalized to take Oaths of Allegiance and Abjuration, ibid.
Naturalization Acts, 77, 94, 150, 223, 239, 318

NEUTRALS.

Commiſſioners for detecting Conſpiracies to cauſe Perſons of equivocal and ſuſpected Characters to come before them, and adminiſter an Oath to them, 30
And on Refuſal to take the Oath, to remove them within the Enemy's Lines, and certify their Names to the Secretary, 31
If any abſcond to avoid the Law, Notice to be publiſhed in one or more of the News-Papers, demanding them to appear, and not appearing, to be deemed a Refuſal to take the Oath, ibid.
Perſons ſent within the Enemy's Lines, or not appearing on ſuch Notice, guilty of Miſpriſion of Treaſon, if found in the State, ibid.
Their Lands charged with double Taxes, ibid.
Commiſſioners, previous to Removal, to notify the Governor, who may detain ſuch Perſons for Exchange, ibid.
Double Taxes not to be raiſed until ſpecial Proviſion be made for it, 55

NEW COURTS,

None to be erected but ſuch as ſhall proceed according to the Courſe of the Common Law, 14

NEW-YORK, City of.

Common Council to act as *Superviſors* reſpecting Loan-Officers, 302
Crackers not to be fired Southward of *Freſh-Water*, 316
Cranage, Rates thereof eſtabliſhed, 127
Diſtempers, infectious, how prevented, 150
Firemen exempted from ſerving as Jurors, 312
Fireworks not to be fired Southward of *Freſh-Water*, 316
Governor to have the Charge of the Fort and public Buildings, 102
Guns not to be fired Southward of *Freſh-Water*, 316
Inſpector of Sole-Leather how appointed, 136
Linſeed Oil where to be kept, 316
Loan Officers how to be choſen, 286, 302
Lumber to be removed from Wharfs, 127
Piſtols not to be fired Southward of *Freſh-Water*, 316
Pitch where to be kept, ibid.
Rockets not to be fired Southward of *Freſh-Water*, ibid.
Roſin where to be kept, ibid.
Shingles where to be kept, ibid.
Sole-Leather to be inſpected, 136
Penalty for ſelling or uſing it uninſpected, 137
Spirits of Turpentine where to be kept, 316
Squibs not to be fired Southward of *Freſh-Water*, ibid.
Standard of Weights and Meaſures where and how to be kept, 111
Tar where to be kept, 316
Turpentine where to be kept, ibid.
Vendue-Maſters where to ſell Goods, 99
Wharfage, Rates thereof eſtabliſhed, 125
Diſputes about Wharfage how to be ſettled, 126
By whom to be paid, 127
Wharfingers how to be appointed, and their Powers, 126
Wharfs not to be incumbered, 127

NEW-YORK, State of.

The Colony of New-York declared a *free and independent State*, 5
No Authority to be exerciſed but ſuch as ſhall be derived from the People, ibid.
The Legiſlative Power veſted in an Aſſembly and Senate, ibid.
No Member to be diſfranchiſed but by Law, 8
The Executive Power veſted in a Governor, 9
The Law thereof, 12
Sovereignty thereof declared in Reſpect to Property, 44
Part of the Weſtern Lands ceded to the United States, 53, 54
Proportion of Expences of the War how to be adjuſted, 84
Diſpute with *Maſſachuſetts* how to be ſettled, 319

NUTTEN ISLAND,

The Governor to have the Uſe of it, 102

INDEX.

OATHS,

MODE of adminiſtering them to Perſons having conſcientious Scruples concerning the ſame, Page 27
Oath to be adminiſtered to Perſons of equivocal Characters, 31
Of Commiſſioners of Forfeitures, 47, 171
Of Maſter and Wardens of the Port of *New-York*, 123
Of Inſpectors of Pot and Pearl Aſhes, 134
Of Inſpectors of Sole-Leather, 136
Of Inſpectors of Flour, 199
Of Commiſſioners of Highways, 201
Of Vendue-Maſters on delivering Accounts, 226
Of Members of Court Martial, 269
Of Judge-Advocate, 270
Of Loan-Officers, 285
Of Borrowers from Loan-Officers, 287
Of Invalids, 314

OFFICES,

Tenure and Duration thereof, 10, 11

OFFICERS,

To be commiſſioned by the Governor, 10
Charter Officers how to be appointed, 13
Penalty on Officers for not attending Courts, 309

ORANGE COUNTY,

Dutch Church of *Tappan* incorporated, 91
Highways therein how to be laid out, regulated and repaired. See *Highways*, 138
Bridges and Cauſeways in *Goſhen* and *Cornwall*, how to be made and repaired, 144

OYER and TERMINER,

Juſtices thereof to charge Grand Juries to preſent Offences againſt the Act to prevent private Lotteries, 87

PAMPHLETS,

PENALTY for printing and publiſhing them without Conſent of the Proprietor, 321

PAPER,

Commiſſions and Law Proceedings may be on Paper during the War, and for a Year after, 24

PARTITION,

Of Lands how to be made, 202
Commiſſioners for making Partition how to be appointed, ibid.
To be ſworn, ibid.
How to proceed, 202, 203
Power veſted in the Survivors, 205
One to be ſworn as Surveyor, 206
And another to act as Clerk, ibid.
Their Allowance, ibid.
Allotments of diſputed and undiſputed Lands to be made ſeparately, 203
Two Field-Books and Maps to be made, ibid.
Lots to be ballotted for, ibid.
Charges how to be aſcertained and paid, 204
Lots drawn to Perſons having no Title, to be conſidered as undivided, 205
Of particular Lots or Parcels how to be made, 204
Improvements in what Caſes and how to be paid for, 204, 205
Perſons having Title and drawing no Lots not barred, but Diviſion good as to others, 205
Out-Lines of Patents how to be run, 206
Proceedings in Caſe of Doubts as to Limits of Lands to be divided, 207
In what Caſes and how to be made by the Court of Common Pleas, ibid.
Court in what Caſes to order Houſes and Lots to be ſold, ibid.
Court to appoint Guardians for Infants, 208
Expences how to be aſcertained and paid, ibid.

PEDLERS.

No Perſon to Uſe the Profeſſion of Hawker or Pedler, 214

PENNSYLVANIA.

Line between this State and *Pennſylvania* to be run and marked, 195

PERJURY.

Swearing falſely in, or acting contrary to, any Oath required by the Act for emitting Bills of Credit, deemed Perjury, 294

PILOTS,

How and by whom to be appointed, 120, 124, 125
Penalty on them for not aiding Ships in Diſtreſs, 120
Allowance for Pilotage, 121, 124
To give Security, 121, 122
Suits on their Bonds how to be proſecuted, 122
To be Owners or Part Owners of Pilot-Boats, ibid.
To keep a Whale-Boat at *Sandy-Hook*, 124
Pilotage how to be collected and paid, 123
Their Duty reſpecting contagious Diſtempers, 151

PISTOLS.

See *Fire-Works. New-York.*

PLATSBURGH,

Erected into a Townſhip, 214

PLATT, ZEPHANIAH,

And his Aſſociates permitted for a limited Time to take Ore out of a certain Iron Ore Bed, 215

POSTHUMUS CHILDREN,

To inherit as if born in their Father's Life-Time, 247

POT and PEARL ASHES,

To be inſpected, 133
Caſks containing it how to be marked, ibid.
Where to be inſpected, 135
Diſputes about the Quality how to be determined, 133
Inſpectors how to be appointed, 134
Oath of Inſpectors, ibid.
Allowance to Inſpectors, 133
Inſpectors may go on board of any Veſſel to ſearch for Pot or Pearl Aſhes not inſpected, 134
Penalty on Inſpectors for Neglect, ibid.
Penalty for counterfeiting the Brand Marks, 135
Penalty for emptying Caſks branded to put in other Aſhes, without cutting out the Marks, ibid.
Forfeitures how to be recovered and diſpoſed of, ibid.

PRESIDENT of the SENATE,

In what Caſes to adminiſter the Government, 10

PRIESTS,

Not to hold any civil or military Office or Place, 13

PRISONERS of WAR,

Inhabitants may be exchanged as Priſoners of War, 65
The real Eſtates of ſuch Perſons forfeited, ibid.

PROBATES, Court of.

The Judge to appoint the Clerk of the Court, 11
Power of the Judge of the Court, 23
Proceſs to be in the Name of the People, ibid.
Seal to be deviſed and made, ibid.
Appeals from Decrees therein when to be made and how proſecuted, 184
On Deficiency of perſonal Eſtate, may order real Eſtate to be ſold to pay Debts, 277
How to proceed in ſuch Caſes, 277, 278
By whom ſuch Sale ſhall be made, 278
How Monies ariſing by ſuch Sale ſhall be applied, ibid.
Fees of the Court in ſuch Caſes, 279

PUBLIC OFFICERS,

Relieved in certain Caſes, 327

PUBLIC SECURITIES,

Made negotiable, 163, 249
To be received on Loan. See *Treaſurer*, 300

PURCHASERS,

Claims to forfeited Eſtates by Purchaſe not completed, to be decided by the Chancellor, 162

PURCHASERS of forfeited Eſtates,

To be paid for Improvements in Caſe of a Recovery againſt them, 160
When and how to pay the Purchaſe-Money, 164, 212, 324
Entitled to the Benefit of the Statutes of forcible Entry and Detainer, 173
Suits againſt them to be defended by the Attorney-General, ibid.
How relieved in Caſe of Eviction, 160, 323, 324

QUAKERS,

EXCUSED from bearing Arms, and to pay an Equivalent, 13
To pay *Forty Shillings* a Year in Lieu of Service, 272
Equivalent how to be collected and applied, ibid.

QUEEN's COUNTY,

Ferries between *Queen's* and *Weſtcheſter* Counties eſtabliſhed, 209
Rates of Ferriage, 210
Penalty for taking more, ibid.
Richard Sands to erect a Dock and perform certain Covenants, ibid.
Penalty on Perſons not entitled to ſet up Ferries, for carrying any Perſon or Goods acroſs the *Eaſt-River* for Hire, 211

QUIT-

INDEX.

QUIT-RENTS.

Citizens may pay Arrears of Quit Rents in public Securities, *Page* 250
May commute for Quit-Rents, 251
Remitted during a certain Period, 250
On forfeited Eſtates remitted, 253
Proprietors of divided Lands may pay and commute for their reſpective Shares, 251
Perſons not Citizens may commute on paying Specie, ibid.
Value of Quit-Rent in Kind how to be aſcertained, ibid.
Payable in Sterling or Proclamation Money how to be eſtimated, 253
When three Years Quit-Rent is due, Treaſurer to give public Notice, that if Arrears are not paid in twelve Months, the Land will be ſold to pay the ſame, 251
On Failure of Payment how Treaſurer ſhall proceed, 252
Duty of junior Juſtice of the Supreme Court therein, ibid.
Sheriff's Duty thereon, 252, 253
Deeds executed by Sheriff declared valid, 252
Purchaſers veſted with an Eſtate in Fee-Simple, 253
Lands ſold to be laid out in one Piece, ibid.

RECORDS.

CERTAIN Records of Patents to be tranſcribed, 248
Certain Books of Records to be rebound, ibid.

RECOGNIZANCES.

See *Exchequer*.

REGISTERS.

See *Admiralty*. *Chancellor*.

RELIGION,

Free Exerciſe thereof allowed, 13
Univerſal Equality between religious Denominations, 131

RICHMOND COUNTY,

Highways therein how to be laid out, regulated and repaired. See *High-ways*, 138, 222
Dogs, Damages done by them how to be defrayed, 243, 244
Tax laid on them, and how to be collected, 244
Found worrying Sheep, may be killed, ibid.
Damages done by them how to be aſcertained and paid, ibid.
Owners in what Caſes to be ſued for Damages, ibid.
Collectors to keep Books, and pay Sums collected to the County Treaſurer, 245
Penalty on Collectors for Neglect, ibid.

RIGHT, Writs of.

Proceedings upon Writs of Right regulated, 239
Form of Writs for ſummoning Electors of the Grand Aſſiſe, ibid.
Qualifications of the Electors, ibid.
Challenge of the Electors when to be made, and how tried, ibid.
Electors when and how to be ſworn, 240
To make and return a Panel of Recognitors, ibid.
Recognitors how to be choſen, and their Qualifications, ibid.
Challenge of them when to be made, and how tried, ibid.
Writ to be iſſued to ſummon them, ibid.
On their Default, *Diſtringas* to iſſue, ibid.
Trials may be at Circuit Court, ibid.
To be where the Lands lie, or at Bar, ibid.

ROCKETS.

See *Fire-Works*. *New-York*.

SANDS, RICHARD,

EMPOWERED to keep a Ferry acroſs the *Eaſt-River*, 209
To erect a Dock, and perform certain Covenants, 210

SEALS,

Great and privy Seals, to what Uſes to be applied, 23
Of Courts to be deviſed and made, ibid.
Deſcriptions thereof, and of Seals of certain Courts, to be depoſited and recorded in the Secretary's Office, 24, 181, 241
Of Court for Trial of Impeachmeuts and Correction of Errors, 181
Of Exchequer Court, 241

SECRETARY,

To record all Acts paſſed by the Legiſlature, 23
To attend the Legiſlature to receive the Laws, ibid.
To be *ex Officio* Clerk of the Council of Appointment, 25
Buildings appropriated to his Uſe, 103
To deliver Records and Papers belonging to the Court of Probates to the Judge, 76
To deliver to Surveyor-General, the Records, Maps, Books and Papers, belonging to that Office, or the Office of Receiver-General of the late Colony, *Page* 103, 104
To furniſh the Surveyor-General with Copies or Extracts of ſuch Records and Papers as he may require, 104
To cauſe certain Records to be tranſcribed, and certain Books rebound, 248

SENATE,

To conſiſt of 24 Members, elected for four Years, 8
Senators to be divided into four Claſſes, and a fourth Part to be annually choſen, ibid.
Manner of chuſing Senators, ibid.
Senators how to be proportioned after Cenſus is taken, ibid.
Not to adjourn for more than two Days without Conſent of the Aſſembly, ibid.
To hold Conferences with the Aſſembly when they diſagree, 9
To keep their Doors open, ibid.
To publiſh their Proceedings, ibid.
Their Number not to exceed One Hundred, ibid.
Lieutenant Governor to be Preſident thereof, 10
In what Caſes to chuſe a Preſident, ibid.
To enter Objections of Council of Reviſion to Bills at large in their Minutes, 6
Preſident to deliver to the Secretary ſuch Bills objected to by the Council of Reviſion as paſs laſt in the Senate, 23

SESSIONS of the PEACE,

When and where to be held, 24
Juſtices to charge grand Juries to preſent Offences againſt the Act to prevent private Lotteries, 87

SHERIFFS,

To be annually appointed, 11
To hold no other Office, ibid.
Not to hold their Office above four Years ſucceſſively, ibid.
From what Places to compute Mileage, 25, 26
To prevent private Lotteries and Games of Chance, 89
When and how to account, 242, 249
No Execution to iſſue againſt his Body while in Office, 243
To make Returns to Circuit Court, 305
How to impannel and return Juries, 306
To ſummon Jurors *ſix* Days before Trial, 307
To deliver Copies of Panels to Parties, if required, five Days before Trial, ibid.
Annually to procure a Liſt of Perſons in their Counties, qualified to ſerve as Jurors, ibid.
Not to return any Perſon, except on ſtruck Juries and in Mayors Courts, who has ſerved within a Year, ibid.
Penalty for excuſing any Man for Reward, 308
To return Book for ſtriking Juries, 310

SLAVES.

Owners of Slaves entitled to Bounty Lands on their Service, 64
And ſuch Slave after the Service to be free, 65
Of Perſons whoſe Eſtates are forfeited, how to be maintained, 174, 325
Of Perſons attainted or convicted, manumitted, 325

SMITH, BENJAMIN,

Commiſſioners of Sequeſtration of *Ulſter* County, indemnified for ſelling his Effects, 77

SOLDIERS,

Perſons purchaſing of them Arms, Accoutrements or Clothing, to forfeit treble the Value, 95

SOLICITORS,

How to be appointed, licenſed and regulated, 11

SQUIBS.

See *Fire Works*. *New-York*.

STAGE

Right of erecting and driving Stage Waggons between the Cities of *New-York* and *Albany* granted to *Van Wyck* and others, for ten Years, 213

STATE AGENT,

Accounts of him and his Deputies how to be ſettled, 223, 224
His Deputies allowed a Commiſſion inſtead of Pay, 223

STEUBEN, Baron,

Land granted to him, 336

I N D E X.

SUFFOLK COUNTY.

Town-Meetings when to be held in *Huntington*, *Page* 101
Horſes, Cattle, Sheep or Hogs, running or feeding on certain Beaches and Iſlands, may be ſeized, 135
Penalty for burning the old Graſs or cutting the Timber on certain Beaches and Iſlands, 136
Truſtees of *Southampton* may fence up certain Roads, 189

SUPERVISORS,

To be choſen by the People, 11
Their Clerk how to be appointed, ibid.
To meet with Judges of the Common Pleas and inſpect Accounts of Loan Officers, 292
To cauſe Deficiencies, if any, to be raiſed, ibid.
Penalty for Non-Attendance and for Neglect of Duty, ibid.
How Penalties are to be recovered and applied, 293

SUPREME COURT.

Judges to hold their Office during good Behaviour, or until ſixty Years old, 10
Judges to hold no other Office, except Delegate to Congreſs on ſpecial Occaſions, ibid.
To appoint their Clerks, 11
To cauſe a Seal to be deviſed and made for the Court, 23
Proceedings therein in what Caſes to be before the People of this State, 24
When and where to be held, 24, 216, 217
To charge grand Juries to preſent Offences againſt the Act to prevent private Lotteries, 87
Terms how long to continue, 217
Clerk to keep his Office at the City of *New-York*, ibid.
And appoint a Deputy at *Albany*, ibid.
Junior Juſtice to hold a Court of Exchequer, 240
To appoint a Clerk of the Court of Exchequer, 241
To deviſe a Seal for the Court of Exchequer, ibid.
Juſtices to hold Circuit Courts and take Aſſiſes, 304

SURROGATES,

How to be appointed and commiſſioned, 23

SURVEYOR-GENERAL,

To be appointed, 64
Empowered to procure Maps, Papers and Records, 103, 104
To lay out Lands ordered to be ſold, 328
To make a Map thereof, 329
To notify Sale of Lands, ibid.
How to ſell Lands, and when and how Purchaſe Money is to be paid, ibid.
To ſell Lands in *Jeſſup*'s Purchaſe, 330
To make Returns to the Treaſurer, ibid.
His Salary, 334
Allowance to Deputy and Attendants, 335

TENANTS,

OF forfeited Eſtates how relieved, 46, 167
In what Caſes entitled to Pre-Emption, 167
Leſſees who left Tenements by Reaſon of the Invaſion by the *Britiſh* Armies, diſcharged of Rent while out of Poſſeſſion, 215
How to proceed if Judgment is obtained, 216
Leſſors to have Remedy againſt the Occupiers, ibid.

TOWN CLERKS,

To be choſen by the People, 11

TOWN OFFICERS,

How to be choſen, 11

TREASURER,

To be appointed by Act of the Legiſlature, 10
Appointed, 27
Continued in Office, 38, 69, 84, 180, 239
In his Accounts of Monies ariſing from forfeited Eſtates, to ſpecify to whom the Eſtate belonged, 47, 175
To pay audited Accounts, 73
To proſecute Vendue-Maſters for not accounting, 98
To keep diſtinct Accounts of Monies ariſing from Vendues, 100
To notify all Perſons having Demands againſt forfeited Eſtates, to exhibit their Claims, 175
To give Certificates for certain Debts againſt forfeited Eſtates, 175, 176
To proſecute Militia Officers who have not accounted for Certificates, 224
To proſecute certain Delinquents for Monies due to the State, ibid.
To give Certificates for Monies due for apprehending Deſerters, 226
To ſue for and recover Fines from Sheriffs, 227
To pay Expence of printing and ſigning Bills of Credit, 299
When to exchange Bills of Credit, ibid.
To receive certain public Securities on Loan, 300, 301
To give Certificates for Securities received, *Page* 300
To pay Part and give Certificates for Reſidue of Intereſt due on Securities received, 301, 302
To keep regular Accounts of Certificates given, 302
To pay Penſions to Invalids, 315

TRESPASSES.

More effectual Relief given in certain Caſes, 93, 148, 149
No Action to be brought for any Thing done with Intent to further the common Cauſe of *America*. 94

TRIAL,

By Jury eſtabliſhed, 14
By Battle aboliſhed, 239
Upon Writs of Right regulated, 239, 240
Of Iſſues regulated, 303
On Legality of Marriage, 305
On Pleas of Baſtardy, ibid.
Notice thereof to be given to the Judge, 306, 307

TROOPS.

See *Land*.

TRUSTEES,

How to proceed againſt others who have left the State, 152, 153
Where ſeveral have been appointed jointly, and one or more have left the State, ſuch as remain to execute the Truſt, 153, 154
Conveyances to them to be in Joint-Tenancy, 247

TRUSTEES of RELIGIOUS SOCIETIES,

How and by whom to be elected, 105
Their Power and Duty, 105—109
May hold Eſtates of the yearly Value of £. 1200, 107
Vacancies how to be filled up, 108
To exhibit an Account of their Eſtates and Revenues triennially, 109

TRYON COUNTY.

Elections and Town-Meetings in *Mohawk* Diſtrict where to be held, 62
Name of County altered to *Montgomery*, 104

VAN WYCK, ISAAC,

RIGHT of erecting and driving Stage Waggons between the Cities of *New-York* and *Albany* granted to him and others for ten Years, 213

VENDUES.

Goods to be ſtruck off to higheſt Bidder, 97
Duty on Goods ſold at Vendue, ibid.
No Perſon to ſell at Vendue without Licence, 97, 98
Licence to ſell at Vendue, by whom to be given, 98
Vendue-Maſters to give Security, ibid.
Fees for Licence and Security, 100
Not accounting a Forfeiture of Licence, 98, 226
Fees on Sales, 99
When Bellmen or Cryers may be employed, ibid.
Penalty for Fraud or Deceit in executing this Act, 100
Vendue-Maſters to account to Treaſurer, 225, 226

VERMONT,

Inhabitants thereof pardoned for all Offences, except for Adherence to the *Britiſh* King, and for Murder, 81
Lands granted to Sufferers in oppoſing that Government, 332

ULSTER COUNTY.

COMMISSIONERS of Sequeſtration indemnified for ſelling Effects of *Benjamin Smith*, 77
Highways therein how to be laid out, regulated and repaired. *See Highways*, 138
Inhabitants to fill up and level Fords, 145

UNITED STATES,

May proſecute Suits in the Courts of this State, 35
Frauds committed by Perſons in their Service how to be puniſhed, ibid.
Penalty on Perſons in their Service miſapplying public Monies, or carrying on private Traffic or Commerce for their private Emolument, ibid.
Territory ceded to them by this State, 54
Accounts of this State with them to be ſtated, 73
How to adjuſt the Proportion of this State of the Expences of the War, 84

I N D E X.

WARDENS.

See *Maſter and Wardens of the Port of* NewYork.

WASHINGTON COUNTY.

Highways therein how to be laid out, regulated and repaired. See *Highways*, *Page* 138

WEIGHTS and MEASURES.

There ſhall be one certain Weight and Meaſure, 111
Standard thereof where and how to be kept, ibid.
Perſons to be appointed to ſeal and mark them, ibid.

WEMPLE, ABRAHAM,

Land granted to him, 334

WESTCHESTER COUNTY.

Highways therein how to be laid out, regulated and repaired. See *Highways*, 138
Ferries between *Weſtcheſter* and *Queen*'s Counties, eſtabliſhed, 209, 219
Rates of Ferriage, 210, 219
Penalty for taking more, 210
Penalty on Perſons not entitled to ſet up Ferries for carrying any Perſon or Goods acroſs the Eaſt-River for Hire, 211
Town of *Weſtcheſter* to chuſe Truſtees, 219

WHARFAGE,

Rates thereof eſtabliſhed, *Page* 125
Diſputes about it how to be ſettled, 126
By whom to be paid, 127
Wharfingers how to be appointed, and their Powers, 126

WILLET, MARINUS,

To account for Cattle and Effects taken by him, and deliver Vouchers, &c. to the Treaſurer, 227
Indemnified on complying, 228

WILLS,

Perſons entitled under them how to proceed againſt others who have left the State, 152, 153
Further Time given for Sale of Eſtates where the Time limited by a Will expired ſince 19th *April*, 1775, 154
Probates thereof in Southern Diſtrict confirmed, ibid.
Of real Eſtates how to be proved and recorded, 278, 279
Witneſſes to Wills how compelled to appear, 279
The Perſon in whoſe Cuſtody a Will is how compelled to produce it, ibid.
To be returned when proved and recorded, ibid.
Record thereof good Evidence, ibid.

WITNESSES,

May be ſummoned to make Affidavits, to be uſed as Evidence in other States, 112
Allowance for their Attendance, ibid.
On refuſing to appear or to make Affidavit, to be committed, ibid.

WRITS,

To run in the Name of the People, 11

APPENDIX,

CONTAINING CERTAIN

PUBLIC ACTS

Of the LEGISLATURE of the late

COLONY of NEW-YORK,

Which are not Re-enacted or Repealed.

An ACT *for Settling, Quieting and Confirming unto the Cities, Towns, Manors, and Freeholders within this Province, their ſeveral Grants, Patents and Rights reſpectively.*

Paſſed the 6th of May, 1691.

Preamble.

FORASMUCH as the many Changes, Alterations, and Diſturbances, that have been lately given unto their Majeſties Subjects inhabiting within this their Province, hath and doth very much diſcourage the Settling, Improving, and the Growth and Strength thereof; and that it is now abſolutely neceſſary, for the quieting and ſatisfying their Majeſties good Subjects within the ſame, that the Rights and Privileges formerly held by and granted to, the reſpective Cities, Towns, Manors, and Freeholders within this Province, *&c.* ſhould be now ratified and confirmed:

All the Charters, Patents and Grants, under the Seal of the Province, and regiſtered in the Secretary's Office, ſhall be good in Law, notwithſtanding the Want of Form, *&c.* required by the ſaid Charters, *&c.*

I. *Be it therefore Enacted by the Governor, Council, and Repreſentatives, convened in General Aſſembly, and it is hereby Enacted and Declared by the Authority of the ſame,* That all the Charters, Patents, and Grants, made, given and granted, and well and truly executed under the Seal of this Province, conſtituted and authoriſed by their late and preſent Majeſties, the Kings of *England*, and regiſtered in the Secretary's Office, unto the ſeveral and reſpective Corporations or Bodies Politick of the Cities, Towns, and Manors, and alſo to the ſeveral and reſpective Freeholders within this Province, are and ſhall for ever be deemed, eſteemed, and reputed good and effectual Charters, Patents, and Grants authentick in the Law, againſt their Majeſties, their Heirs, and Succeſſors, for ever, notwithſtanding of the Want of Form in the Law, or the Non-feizance of any Right, Privilege or Cuſtom, which ought to have been done heretofore by the Conſtitutions and Directions contained in the reſpective Charters, Patents, and Grants aforeſaid.

All Charters, Patents and Grants made as aforeſaid, prior to 6th *May*, 1691, are confirmed.

II. *And be it further Enacted by the Authority aforeſaid,* That all the Charters, Patents, and Grants, made, given, and granted, as aforeſaid, unto all and every the ſeveral and reſpective Corporations or Bodies Politick of the Cities, Towns and Manors, and their Succeſſors, and alſo unto all and every the reſpective Freeholders, their Heirs and Aſſigns, for ever, within this Province, are, to all Intents and Purpoſes whatſoever, hereby ratified and confirmed, to have, hold, exerciſe, occupy, poſſeſs and enjoy all their and every of their former Rights, Cuſtoms, Prerogatives, Privileges, Preheminences, Practices, Immunities, Liberties, Franchiſes, Royalties, and

 Uſages

Uſages whatſoever, in as full and ample Manner as if none of theſe Changes, Alterations, Diſturbances, Want of other Forms in the Law, or the Non-feizance of any Rights, Privileges, or Cuſtoms of any of the Corporations aforeſaid, had never happened, or been neglected; any Thing herein contained, or in any other Law, to the Contrary in any wiſe notwithſtanding.

Provided that nothing in this Act ſhall be conſtrued to bar any Perſon of their former Rights, if they claim within five Years.

Provided, That nothing herein contained, ſhall be conſtrued or taken, to bar any Perſon or Perſons, of his or their former and juſt Right or Pretences to any Houſe, Tract, or Parcel of Land within this Province: *Always provided*, That he or they that have any ſuch juſt Right or Pretence, do make his or their Claim within the Space of Five Years next after the Date hereof.

Nor prejudice Infants, &c.

And alſo provided, That nothing herein contained ſhall be intended, or conſtrued to the Prejudice or Hindrance of the Title or Claim of any Perſon under Age, Feme Covert, Non Compos Mentis, Impriſonment, or beyond the Seas.

An ACT *for Calling* Long-Iſland, *the Iſland of* Naſſau.

Paſſed the 10th of April, 1693.

BE *it Enacted by the Governor, and Council, and Repreſentatives, convened in General Aſſembly, and by the Authority of the ſame*, That the Iſland commonly called and known by the Name of *Long-Iſland*, ſhall from henceforth be called the Iſland of *Naſſau*; and that after the Publication hereof, all their Majeſties loving Subjects are hereby required, in all Grants, Patents, Deeds, Conveyances, Bargains of Sale, Bills, Bonds, Records, and other Inſtruments in Writing, that ſhall hereafter be made, granted, conveyed, bargained, ſold, and executed, for or concerning the ſaid Iſland, or any Part or Place, within the ſame, or in any County thereof, to call and denominate the ſaid Iſland in all ſuch Deeds and Eſcripts, as aforeſaid, the Iſland of *Naſſau*; any Thing contained in any former Act to the Contrary hereof in any wiſe notwithſtanding.

An ACT *for the better Settlement and Aſſurance of Lands in this Colony.*

Paſſed the 30th of October, 1710.

I. BE *it Enacted by the Governor, Council, and Aſſembly, and by the Authority of the ſame*, That every Perſon or Perſons, Bodies politick and corporate, Cities, or Towns, who by themſelves, their Tenants or Servants, or his or their Aſſignee or Aſſigns, Grantees, their Anceſtors, Predeceſſors, or others, under whom they claim, have been ſeized to their own Uſe or Uſes, or taken the Rents, Iſſues, and Profits of any Meſſuages, Houſes, Tenements, Lands, and Hereditaments whatſoever, in this Colony and Plantation, in his or their own proper Right, for the Term and Space of ten Years now laſt paſt, and ſhall ſo continue, whether in their own Perſons, their Heirs, Succeſſors, or Aſſigns, or by any other Perſon or Perſons under them, in Poſſeſſion, as aforeſaid, without any Claim, either by actual Entry, and Poſſeſſion thereupon continued, or Suit to be proſecuted to Effect, until the firſt Day of *September*, in the Year of our Lord Seventeen Hundred and Thirteen, ſhall from and after the firſt Day of *September*, and for ever, be adjudged, deemed, and taken to be the true, rightful and lawful Owner of ſuch Meſſuages, Houſes, Lands, Tenements, and Hereditaments reſpectively, and ſhall and may have, hold, and enjoy the ſame; any Claim, Right, Title, Demand, or Pretence to the Contrary thereof, by or from any Perſon or Perſons, Bodies politick and corporate whatſoever, in any wiſe notwithſtanding.

The Poſſeſſion of any Lands, &c. from the 30th of *October*, 1700, to the 1ſt of *September*, 1713, without Claim by actual Entry, or Suit proſecuted to Effect, ſhall be deemed a good Title.

II. *Provided*,

II. *Provided*, That neither this Act, nor any Thing therein contained, ſhall extend, or be conſtrued to the Prejudice or Bar of any Perſon or Perſons, who ſhall, before the ſaid firſt Day of *September*, Seventeen Hundred and Thirteen, commence any Suit for any Lands, Houſes, Tenements, or Hereditaments in this Colony, and afterwards proſecute the ſame to Effect; nor to the Prejudice of any Mortgagee or Leſſee, whoſe Mortgage or Leaſe ſhall be recorded in the Secretary's Office of this Colony, before the ſaid firſt Day of *September*, Seventeen Hundred and Thirteen.

This Act not to bar Suits commenced before the 1ſt *September*, 1713, and afterwards proſecuted to Effect; nor prejudice *Mortgages* or *Leaſes* recorded.

III. *Provided alſo*, That neither this Act, nor any Thing therein contained, ſhall be extended or conſtrued to the Prejudice or Hindrance of any Perſon or Perſons, under Age of One and Twenty Years, married Women, not of ſound Mind, impriſoned, or beyond the Seas: Provided ſuch Perſon or Perſons, within three Years after his or their coming to the Age of One and Twenty Years, being unmarried, becoming of ſound Mind, Liberty, or Return into this Plantation and Colony, do make their actual Entry, or bring their Suit, as aforeſaid; otherwiſe to be utterly debarred and excluded from any Entry, Claim, Suit, or Demand whatſoever.

Diſabilities of Infants, &c. ſaved.

Proviſo.

IV. AND *whereas* by many Accidents, the Deeds and Writings relating to Eſtates, ſome Time have been, and may hereafter be deſtroyed, conſumed, and loſt, whereby the lawful and rightful Owner of any Lands, Meſſuages, Houſes, Tenements, and Hereditaments, may be expoſed to many doubtful, expenſive, and vexatious Suits, and other Inconveniences; for the preventing whereof, *Be it Enacted by the Authority aforeſaid*, That all and every Deed or Deeds, Conveyance or Conveyances, and Writings, relating to the Title or Property of any Lands, Meſſuages, Tenements, or Hereditaments, within this Colony, which have been already, or ſhall be hereafter executed, being duly acknowledged and recorded in the Secretary's Office of the ſaid Colony, or in the County Records, where ſuch Lands are ſituate and being; ſuch Deed or Writing ſo recorded, or Tranſcript thereof, ſhall be good and effectual Evidence in any Court of Record within this Colony, to all Intents and Purpoſes, as if the original Deed or Deeds, Conveyance or Conveyances, and Writings, was or were produced and proved in Court.

Deeds duly acknowledged and recorded, or the Tranſcripts thereof, to be good Evidence.

V. *And be it further Enacted by the Authority aforeſaid*, That the *Dutch* Word, *ONROERENDE*, and the Words, *VASTE STAAT*, which are commonly rendered into *Engliſh* by the Words, *Immoveable* and *faſt Eſtate*, by which, in the *Dutch* Language, is underſtood a real Eſtate, Houſes, Lands, and Tenements, and other real Eſtate of Inheritance, and are uſed in any *Dutch* antenuptial Contract, or Laſt Will and Teſtament, or Deed or Deeds made in this Colony, and duly executed before Two or more credible Witneſſes, at any Time before the Publication of this Act, ought therefore to be underſtood of a *real Eſtate*; and that the Parties who have or claim any Right to any real Eſtate, or Part thereof, within this Colony, by Virtue of the aforeſaid *Dutch* Words, or either of them, uſed in ſuch *Dutch* antenuptial Contracts, or Wills and Teſtaments, or Deed or Deeds, as aforeſaid; ſhall and may enjoy the ſame, to his or their Heirs and Aſſigns for ever, in as full and ample a Manner, as if the Deviſe, Deed, Grant, or Conveyance was made by the Words [*real Eſtate*, *Lands* or *Tenements*]; and ſue for the ſame, in Her Majeſty's Courts within this Colony, and recover Poſſeſſion accordingly; any Law, Uſage, or Cuſtom to the Contrary hereof in any wiſe notwithſtanding.

The *Dutch* Words *Onroerende* and *Vaſte Staat*, ſhall be conſtrued to ſignify *Real Eſtate*, and paſs a Fee.

An ACT *for confirming unto the City of* New-York, *its Rights and Privileges.*
Paſſed the 14th of October, 1732.

The Mayor, Aldermen and Commonalty of the City of *New-York*, to be a Corporation, *&c.*

I. BE *it Declared and Enacted by the Governor, the Council, and the General Aſſembly of the Colony of* New-York, *and it is hereby Enacted by the Authority of the ſame*, That the Mayor, Aldermen and Commonalty of the City of *New-York*, ſhall and may forever hereafter, remain, continue and be a Body corporate and politick, *in Re Facto et Nomine*, by the Name of, *The Mayor, Aldermen, and Commonalty of the City of* NEW-YORK; and by that Name to ſue, plead, and be impleaded, and to anſwer, and be anſwered, without any Seizure or Fore-judger, for or upon any Pretence of any Forfeiture or Miſdemeanor, at any Time heretofore done, committed or ſuffered.

All Letters Patent, *&c.* heretofore made to the ſaid Mayor, *&c.* declared good and valid.

II. *And be it Enacted by the Authority aforeſaid*, That all and ſingular Letters Patent, Grants, Charters, and Gifts, ſealed under the Great Seal of the Colony of *New-York*, heretofore made and granted unto the Mayor, Aldermen, and Commonalty of the City of *New-York*, be, and are hereby declared to be, and ſhall be good, valid, perfect, authentick and effectual in the Law; and ſhall ſtand and be taken, reputed, deemed, and adjudged good, perfect, ſure, available, authentick and effectual in the Law, againſt the King's Majeſty, his Heirs and Succeſſors, and all and every Perſon and Perſons whomſoever, according to the Tenor and Effect of the ſaid Letters Patent, Grants, Charters and Gifts.

And are hereby confirmed.

III. *And be it Enacted by the Authority aforeſaid*, That all and ſingular the Letters Patent, Grants, Charters, and Gifts ſealed under the Great Seal of the Colony of *New-York*, heretofore made and granted unto the Mayor, Aldermen and Commonalty of the City of *New-York*, be, and are, to all Intents and Purpoſes, hereby ratified and confirmed.

As alſo all their Rights, Privileges, Franchiſes, *&c.*

IV. *And be it Enacted by the Authority aforeſaid*, That the Mayor, Aldermen and Commonalty of the City of *New-York*, and their Succeſſors, ſhall and may forever hereafter, peaceably have, hold, uſe and enjoy, all and every the Rights, Gifts, Charters, Grants, Powers, Liberties, Privileges, Franchiſes, Cuſtoms, Uſages, Conſtitutions, Immunities, Markets, Duties, Tolls, Lands, Tenements, Eſtates and Hereditaments, which have heretofore been given or granted unto the Mayor, Aldermen and Commonalty of the City of *New-York*, by any Letters Patent, Grant, Charter, or Gift, ſealed under the Seal of the Colony of *New-York*.

This Act to be taken as a general and public Act.

V. *And be it Enacted by the Authority aforeſaid*, That this preſent Act ſhall be accepted, taken and reputed to be a general and public Act of Aſſembly; of which all and every the Judges and Juſtices of this Colony, in all Courts, and all other Perſons, ſhall take notice on all Occaſions whatſoever, as if it were a public Act of Aſſembly relating to the whole Colony; any Thing herein contained to the Contrary thereof in any wiſe notwithſtanding.

An ACT *to regulate the Ferry between the City of* New-York *and the Iſland of* Naſſau, *and to eſtabliſh the Ferriage thereof.*
Paſſed the 14th of October, 1732.

[*The 1ſt, 2d, and 7th Sections of this Act repealed, 12th Seſſ. Ch.* 37. *Sec.* 8.]

Penalty on the Ferry man for not landing at the Place appointed.

III. AND *be it further Enacted by the Authority aforeſaid*, That if the Ferryman of the ſaid Ferry between *New-York* and *Naſſau* Iſland, ſhall neglect or refuſe to come and go with the Ferry-Boats, to and from ſuch Place or Places in the City of *New-York*, as now are, or hereafter, from Time to Time,

Time, ſhall be appointed and preſcribed unto him for Landing-Places, by the Mayor, Aldermen and Commonalty of the ſaid City, (Wind and Weather permitting) ſhall, for every ſuch Offence, forfeit the Sum of *Twenty Shillings*; to be recovered in Manner as aforeſaid, and paid to the Treaſurer of the ſaid City, for the Time being, to be applied towards the defraying the public Charges of the ſame: And if from and after the Publication of this Act, the Ferryman for the Time being, his Servant or Servants, ſhall demand, impoſe, exact and take, any greater, or other Rates, for tranſporting of Perſons, Goods, Wares, Merchandiſe, or other Things whatſoever, over the ſaid Ferry, than is herein before limited, appointed and eſtabliſhed; he or they, or any of them, ſo offending in the Premiſes, ſhall forfeit and pay for every ſuch Offence, the Sum of *Twenty Shillings*; one Moiety thereof to the Party grieved, or other Perſon who ſhall proſecute and ſue for the ſame; and the other Moiety thereof to the Treaſurer of the ſaid City for the Time being, to be applied and recovered in Manner and Form as aforeſaid.

Penalty on the Ferryman for taking more than allowed by this Act.

IV. *And be it further Enacted by the Authority aforeſaid*, That it ſhall and may be lawful for the Mayor, Aldermen and Commonalty of the City of *New-York*, for the Time being, their Succeſſors and Aſſigns, to demand, receive and take the Rates and Prices above in this Act mentioned, for tranſporting of Perſons, Goods, Wares, Merchandizes and other Things, from the City of *New-York* to the Iſland of *Naſſau*, and from the Iſland *Naſſau* to the City of *New-York*, over the Ferry, in the Ferry-Boats; and ſhall and may eſtabliſh and keep one or more Ferries between the ſaid City of *New-York* and the Iſland *Naſſau*, for the better and more eaſy Tranſportation of Goods and Paſſengers over the ſaid Ferry: *Always provided*, That there ſhall be and remain one conſtant Ferry from the preſent Ferry on *Naſſau-Iſland* to the City of *New-York*, at ſome convenient Landing-Place in the ſaid City, to the Eaſtward of the Slip commonly called *Wall-Street Slip*, or *Clark's Slip*, including the ſaid Slip.

The Corporation may ſet up more than one Ferry.

V. *And be it further Enacted by the Authority aforeſaid*, That the Ferryman for the Time being, ſhall not impoſe, exact, demand or receive, any Rates or Ferriages for any Goods or Things whatſoever, tranſported by any of the Inhabitants living alongſt the River, at and near the Ferry on *Naſſau-Iſland*, in their own Boats or Canoes; *That is to ſay*, Between the Places commonly called and known by the Names of *Kyck-out* and *Red-Hook*; provided the ſaid Goods and Commodities be properly their own, and not belonging to any other Perſon or Perſons whomſoever: But in Caſe any ſuch Inhabitant, under Colour or Pretence of tranſporting his or her own Goods *only*, ſhall tranſport and carry, or bring over the ſaid Ferry, the Goods of any other Perſon or Perſons, of what Kind ſoever, for Hire, Reward, or without, and thereof be convicted before any of his Majeſty's Juſtices of the Peace, by the Oath of one or more credible Witneſs (which Juſtices are hereby authorized and required to adminiſter ſuch Oath, and to give Judgment, and award Execution) ſuch Inhabitant or Perſon ſo offending, ſhall forfeit and pay to the Ferryman of the aforeſaid Ferry for the Time being, the Sum of *Twenty Shillings*, current Money of this Colony, with Coſts of Suit.

What Perſons may tranſport their own Goods in their own Boats.

VI. AND foraſmuch as the Mayor, Aldermen and Commonalty of the City of *New-York*, have been for many Years paſt, and ſtill are, legally and ſolely ſeized of the Ferry aforeſaid; and that they have, at their own great Coſt and Charge, not only purchaſed Lands on *Naſſau-Iſland*, at the Place where the ſaid Ferry has always been kept, but likewiſe erected there Houſes, Stables, and a Pen, for the Accommodation of Travellers, Paſſengers, Drovers, Horſes and Cattle, and a convenient Bridge or Landing for

No other Perſons than the Corporation to keep a Ferry between *New-York* and *Naſſau-Iſland*.

for Boats to come at and go off from; *Be it therefore Enacted by the Authority aforeſaid*, That no other Perſon or Perſons whomſoever, other than the ſaid Mayor, Aldermen and Commonalty of the City of *New-York*, their Succeſſors and Aſſigns, ſhall preſume to erect and keep a Ferry between the City of *New-York* and *Naſſau-Iſland*, for carrying or bringing of any Paſſengers, Horſes, Cattle, Hogs, Sheep, Goods, Wares, Merchandize, or other Commodities or Things whatſoever, over the ſaid Ferry, hereby rated and eſtabliſhed, for any Hire, Wages or Reward whatſoever, or without, under the Penalty of *Fifty Pounds* for every ſuch Offence, with full Coſts of Suit; one Moiety thereof to his Majeſty, his Heirs and Succeſſors, towards the Support of his Government in this Colony, and the other Moiety thereof to ſuch Perſon or Perſons as ſhall proſecute and ſue for the ſame to Effect, in any Court of Record within the ſaid Colony; wherein no Eſſoyn, Protection or Wager of Law, or more than one Imparlance ſhall be allowed.

The Penalty.

This Act to be deemed a public Act.

VIII. *And be it further Enacted*, That this Act ſhall be deemed and taken to be a publick Act; and all Judges and Juſtices are hereby obliged to take Notice of it as ſuch, without ſpecial pleading the ſame.

An ACT *for preventing Frauds by Mortgages, which ſhall be made and executed after the firſt Day of* June, *in the Year One Thouſand Seven Hundred and Fifty-four.*

Paſſed the 12th December, 1753.

Preamble.

WHEREAS many Frauds and Abuſes have been committed, as well by Perſons mortgaging their Lands, Tenements and real Eſtate, and afterwards ſelling the ſame Lands to other Perſons, who were ignorant of ſuch Mortgages, as by Perſons mortgaging the ſame Lands ſeveral Times, without giving Notice to the latter Mortgagees of the former Mortgage or Mortgages, whereby many Perſons have been defrauded of great Sums of Money; wherefore, for preventing thoſe Evils for the future:

The County Clerks to provide Books for regiſtering all Mortgages made after the firſt of *June*, 1754.

I. *Be it Enacted by his Honour the Lieutenant-Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That immediately from and after the Publication hereof, each and every of the Clerks of the ſeveral and reſpective Cities and Counties within this Province, ſhall provide a fit and proper Blank-Book for the regiſtring of all Mortgages of Lands, Tenements, and real Eſtate, lying within their reſpective Cities and Counties, which ſhall be made and executed after the firſt Day of *June*, in the Year One Thouſand Seven Hundred and Fifty-four; in which Regiſter ſhall be entered the Deſcription and Boundaries of the Lands mortgaged, the Names of the Mortgagors and Mortgagees, and the Dates of the reſpective Mortgages, the Mortgage Money, and the Time and Times when payable, and the Time when regiſtred or recorded; to which Regiſter, all Perſons whatſoever, at proper Seaſons, may have Recourſe and Search; and for which the ſaid Clerks ſhall have and receive the Sum of *Three Shillings*, for each Mortgage ſo entered, and *One Shilling* for every Search. *Provided always*, That before any ſuch Mortgage ſhall be ſo entered in any ſuch Regiſter, the ſame ſhall be either acknowledged by the Parties that executed the ſame, or proved by one or more of the Witneſſes thereto upon Oath, either before one of his Majeſty's Council for this Colony, or one of the Juſtices of the Supreme Court, or one of the Judges of the Court of Common Pleas of the reſpective Cities and Counties, where the Lands ſo mortgaged lie.

The Mortgage to be proved before it is regiſtered.

Where there are two Mortgages, the firſt regiſtered to be eſteemed the prior one.

II. *And be it further Enacted by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall, after the firſt Day of *June*, One Thouſand Seven Hundred and Fifty-four, mortgage any Lands, Tenements or real Eſtate

Eſtate whatſoever, within this Colony, to two or more Perſons at different Times, and any Doubt or Diſpute ſhall ariſe about the Priority of ſuch Mortgages, that then, and in ſuch Caſe, the Mortgage firſt entered on the Regiſter, in Manner before directed, for the City or County where the Lands, Tenements or real Eſtates lie, ſhall be deemed and taken, and is hereby declared and ſhall be adjudged, by all Courts of Law and Equity within this Colony, to be the firſt and prior Mortgage; provided it be made *bona fide*, and upon good and valuable Conſideration; any Law, Uſage or Cuſtom to the Contrary notwithſtanding.

Loan-Officers to permit a Search of their Books.

III. *And be it further Enacted by the Authority aforeſaid*, That the reſpective Loan-Officers within this Colony for the Time being, ſhall permit and ſuffer any Perſon or Perſons, at ſeaſonable Times, to ſearch and view the Books of Mortgages in their Hands and Cuſtody, upon their paying *One Shilling* for the ſaid Search.

When Mortgages are redeemed or diſcharged the Clerks to enter a Minute thereof in their Books.

IV. *And be it further Enacted by the Authority aforeſaid*, That whenever any Mortgage or Mortgages ſo entered as aforeſaid, ſhall be redeemed, paid off, and diſcharged, the Clerks of the reſpective Cities and Counties, on Application to them made by the Mortgagors, or Perſons redeeming, paying off, and diſcharging ſuch Mortgages, and producing a Certificate to the reſpective Clerks of the reſpective Cities or Counties, ſigned by the Mortgagee or Mortgagees in ſuch Mortgage, his, her or their Executors, Adminiſtrators or Aſſigns, and acknowledged by the Party or Parties ſigning the ſame, or proved by the Oath of one or more of the Witneſſes thereto, either before one of his Majeſty's Council for this Colony, or one of the Juſtices of the Supreme Court, or one of the Judges of the Court of Common Pleas of the reſpective Cities and Counties where the Lands ſo mortgaged lie; ſhall, and they are hereby required to enter in the aforeſaid Book of Mortgages, a Minute of the ſaid Diſcharge or Diſcharges; which Minute ſo entered, ſhall be deemed and taken to be, and is hereby declared, to be a full, perfect and abſolute Bar to the firſt Entry of any ſuch Mortgage or Mortgages; for which Entry, the reſpective Clerks ſhall have and receive the Sum of *One Shilling*, and no more.

This Act to be publickly read at two Seſſions next after its Publication.

V. *And be it further Enacted by the Authority aforeſaid*, That the ſeveral and reſpective Clerks of the Peace, for the reſpective Cities and Counties of this Colony, ſhall publickly read this Act, in the reſpective Courts of Seſſions of the Peace, in open Court, at two Seſſions of the Peace, next after the Publication of this Act, in each reſpective City and County of this Colony.

An ACT *to enable the Mayor, Aldermen, and Commonalty of the City of* New-York, *to raiſe a Sum not exceeding* Three Thouſand Five Hundred Pounds, *for erecting Barracks for his Majeſty's Troops, providing them with Firewood and Candles, and other Purpoſes therein mentioned,*

Paſſed the 24th December, 1757.

[*This Act, except the laſt Section, is obſolete.*]

In the Time of Peace when the billeting of Soldiers is not thought neceſſary, the Barracks to be let out upon Rents, or otherwiſe, as the Corporation ſhall think fit.

V. AND *be it further Enacted by the Authority aforeſaid*, That the Property of the Lands and Soil whereon the ſaid Barracks are built and erected, or any other Barracks that ſhall hereafter be built or erected upon the Soil and Property belonging to the ſaid City, ſhall continue and remain to be in Right, Title, Intereſt and Property, belonging to the Mayor, Aldermen and Commonalty of the City of *New-York*, for the Time being, for the Relief of the Inhabitants of the ſaid City, from billeting of Soldiers in Time of War, and to be let, hired out, and diſpoſed of upon Rents, or otherwiſe in

in Times of Peace, and at all other Times, when the ſaid Service by billeting of Soldiers, ſhall not neceſſarily require the ſame, as the Mayor, Aldermen and Commonalty of the City aforeſaid, for the Time being, ſhall think fit.

Confirmed by the King 7th *June*, 1771.

An ACT *to enable all Perſons who are his Majeſty's liege Subjects, either by Birth or Naturalization, to inherit and hold real Eſtates, notwithſtanding any Defect of Purchaſes made before Naturalization within this Colony.*

Paſſed the 27th January, 1770.

Preamble.

WHEREAS it was enacted by a Law of this Colony, paſſed on the fifth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Fifteen, that all foreign Proteſtants then inhabiting this Colony, ſhould, upon the Terms therein mentioned, enjoy the Rights, Privileges, and Advantages of natural born Subjects. *And whereas* divers Perſons have ſince come into this Colony, and purchaſed or acquired, by Patent, real Eſtates here, ſome of whom were before naturalized only in other Colonies, and others became afterwards naturalized in this Colony; and ſuch Eſtates are now held and claimed under ſuch Grants or Purchaſes by his Majeſty's natural born Subjects, or ſuch as are naturalized; and as the greater Number of theſe are poor Perſons, and will be utterly ruined if Advantage is taken of the Alieniſm of any ſuch Purchaſer or Patentee; wherefore in tender Commiſeration of all Perſons holding or claiming by ſuch defective Title, and confiding in his Majeſty's great Bounty, the General Aſſembly humbly pray, that it may be enacted;

The Title of any Inhabitant now a natural born Subject, under any Patent or Purchaſe granted to or made by an Alien, not to be defeated under Pretence of Alieniſm.

I. *And be it Enacted by his Honour the Lieutenant-Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Title and Claim of every Inhabitant of this Colony, who is now his Majeſty's natural born Subject, under Patent or Purchaſe of Lands, Tenements, and real Eſtate granted to, or made by an Alien at any Time inhabiting this Colony, ſince the fifth Day of *July*, in the Year of our Lord One Thouſand Seven Hundred and Fifteen, ſhall not be defeated merely upon the Pretence of Alieniſm in the Grantee or Purchaſer, or any Perſon holding as by Deſcent or otherwiſe ſince ſuch Grant or Purchaſe; but that ſuch Title ſhall be adjudged to be good, the Plea or Pretence of Alieniſm in ſuch Caſe notwithſtanding.

This Act not to extend to Lands veſted in the Crown, by Office found, or afterwards re-granted.

Provided always, That nothing herein contained ſhall be conſtrued to extend to any Lands or Tenements, heretofore veſted in the Crown by Office found, or which after ſuch finding, have been re-granted to any of his Majeſty's natural born Subjects; nor ſhall this Act be in force, until the ſame ſhall be approved of by his Majeſty.

An ACT *to confirm certain antient Conveyances, and directing the Manner of proving Deeds to be recorded.*

Paſſed the 16th February, 1771.

Preamble.

WHEREAS it has been an antient Practice in this Colony to record Deeds concerning real Eſtates, upon the previous Acknowledgment of the Grantors, or Proof made by one of the ſubſcribing Witneſſes, of the Execution of the Inſtruments, before a Member of his Majeſty's Council, a Judge of the Supreme or County Court, or a Maſter in Chancery, and ſometimes before a Juſtice of the Peace. *And whereas* there are Lands and Tenements held under the Deeds of Femes Covert, not acknowledged in Manner aforeſaid, and yet made, *bona Fide*, and for valuable Conſiderations; the Purchaſers whereof, and thoſe holding under them ought to be ſecured both in Law and Equity, againſt the reſpective Grantors, their Heirs and Aſſigns.

Claims to Land now in *actual Poſſeſſion*, under Deeds from *Femes Covert*, confirmed.

I. *Be it therefore Enacted and Declared by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby Enacted and Declared by the Authority of the ſame*, That no Claim to any real Eſtate, whereof any Perſon is now actually poſſeſſed, whether as Tenant in common, or otherwiſe, ſhall

ſhall be deemed to be void, upon the Pretence that the Feme Covert granting the ſame had not been privately examined before any of the public Officers or Magiſtrates aforeſaid: But for the more ſolemn conveying and recording of real Eſtates for the future,

The Mode of conveying Eſtates by *Femes Covert* hereafter.

II. *Be it alſo Enacted by the ſame Authority*, That no Eſtate of a Feme Covert ſhall henceforth paſs by her Deed, without a previous Acknowledgment made by her apart from her Huſband, before one of his Majeſty's Council, a Judge of the Supreme Court, one of the Maſters in Chancery, or a Judge of the Inferior Court of Common Pleas (other than Mayor's Courts) for that County where the Lands granted lay, a Certificate whereof, purporting that ſhe had been privately examined, and confeſſed that ſhe executed the ſame freely, without any Fear or Compulſion of her Huſband, ſhall be indorſed on the Deed conveying the ſame, and ſigned by him before whom ſuch Acknowledgment was taken.

Eſtates poſſeſſed for 20 Years, not to be defeated for Want of Power in the Executor or Adminiſtrator to ſell; or becauſe conveyed in the Name of the Attorney.

III. *And be it further Enacted by the ſame Authority*, That no Title to any Lands, Tenements, or real Eſtate heretofore purchaſed, *bona Fide*, and for a valuable Conſideration, and now, and for twenty Years laſt paſt, held in actual Poſſeſſion under ſuch Purchaſe, ſhall be defeated for Want of Power in any Executor or Adminiſtrator to ſell the ſame, or becauſe the Attorney, having Authority to make the Sale, conveyed the ſame in his own Name.

Mode of proving Deeds for Lands before they ſhall be entered of Record.

IV. *And be it further Enacted by the ſame Authority*, That no Conveyance of Lands, executed after the Publication hereof, ſhall be recorded in any of the public Offices, unleſs the ſame be duly acknowledged by the Grantor, or proved by one of the ſubſcribing Witneſſes; and if the Grantor and Witneſſes be dead, without Proof of the Hand-Writing of the Grantor or Grantors, or one of the Witneſſes, before one of his Majeſty's Council, a Judge of the Supreme Court, a Maſter in Chancery, or one of the Judges of the Inferior Court, other than Mayor's Courts, for the County where the Lands granted lay, who are hereby declared to have lawful Authority to take the ſame, in the Manner which hath been anciently and conſtantly uſed; a Certificate of which Acknowledgment or Proof is to be indorſed on the Deed of Conveyance.

Proof required of Deeds executed by Perſons living abroad.

V. AND with Reſpect to Conveyances of Eſtates in this Colony, by Perſons living abroad in other Parts of the *Britiſh* Dominions; *Be it Enacted by the ſame Authority*, That no ſuch Conveyances, executed after the Publication of this Act, ſhall be recorded here, unleſs they be acknowledged and certified in Manner herein before directed; if in *Europe*, before a Judge of the King's Bench, Common Pleas, a Baron of the Exchequer, a Maſter in Chancery, or a Judge of the Court of Seſſions in *Scotland*; and if any other Part of the *Britiſh* Dominions, before one of the Judges of the chief or principal Court of Judicature, of that Colony where the Grantor ſhall then reſide; and unleſs the Execution thereof by the Grantor, and the Signing of the Certificate thereon indorſed, by ſuch foreign Judge, be proved upon Oath, by a ſubſcribing Witneſs, before one of his Majeſty's Council, or one of the Judges of the Supreme Court of this Colony; and in that Caſe, ſuch Deed or the Record thereof may be read as Evidence in any of the Courts of Law in this Colony.

An ACT *for the more effectual Regiſtry of Mortgages, and for ſecuring the Purchaſers of mortgaged Eſtates.*

Paſſed the 19th of March, 1774.

Preamble.

WHEREAS an Act paſſed in this Colony, on the twelfth Day of *December*, One Thouſand Seven Hundred and Fifty-three, for regiſtring Mortgages, tends to prevent Frauds; but with Intention to elude the ſame,

abſolute Conveyances of real Eſtates are now made, and conditional Defeazances given, inſtead of Mortgages in common Form:

Deeds appearing by any other Inſtrument to be intended only as a Security in the Nature of a Mortgage, to be deemed as a Mortgage, and regiſtered as ſuch.

I. *Be it therefore Enacted by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That every Deed conveying a real Eſtate, made after the firſt Day of *June* next, which ſhall appear by any other Inſtrument or Writing to have been intended only as a Security in the Nature of a Mortgage, tho' it be an abſolute Conveyance in Terms, ſhall be conſidered as a Mortgage, and be deemed and adjudged to be liable to be regiſtred as other Mortgages are by Virtue of the ſaid Act; and that the Perſon or Perſons for whoſe Benefit ſuch Deed ſhall be made, ſhall not have the Advantages given by the ſaid Act to Mortgagees, unleſs every Inſtrument and Writing operating as a Defeazance of the ſame, or explanatory of its being deſigned to have the Effect only of a Mortgage, or conditional Deed, be alſo therewith regiſtred in Subſtance as in Caſe of Mortgage.

Bona Fide Sales heretofore made under a Mortgage with Power to ſell, to be deemed good.

II. And *whereas* many real Eſtates are held under Sales made by Mortgagees, who were authorized by the Mortgagor to make Conveyance of the ſame in Fee, for the Payment of the Debt or Demand ſecured by the Mortgage, and to return the Surplus of the Purchaſe Money to the Mortgagor; and as many Inconveniencies may ariſe if ſuch Eſtates ſhould be redeemable in Equity, vexatious Suits be promoted, and *bona Fide* Purchaſers ruined; *Be it therefore further Enacted by the ſame Authority*, That no good and *bona Fide* Sale of Lands, Tenements, or Hereditaments, made or to be made by Mortgagees, or others, authorized thereunto by ſpecial Power for that Purpoſe, in due Form of Law, from him or them who had the Equity of Redemption, ſhall be defeated to the Prejudice of the *bona Fide* Purchaſer thereof, in Favour or for the Advantage of any Perſon or Perſons claiming a Right of Redemption in Equity. *Provided always*, That nothing in this Act contained ſhall be conſtrued to prejudice any other Mortgagee of the ſame Lands, Tenements, and Hereditaments, or any Part thereof, whoſe Title accrued prior to ſuch *bona Fide* Sale, or any Creditor to whom the mortgaged Premiſes, or any Part thereof, was before bound by any Judgment at Law, or Decree in Equity.

Proviſo.

2 *Vol.* 268

Such Power hereafter to be given not valid, unleſs the Party be 25 Years of Age.

Mortgages with ſuch Power, to be recorded before Sale.

III. And to prevent fraudulent Advantages from being taken to the Prejudice of young and extravagant Perſons; *Be it alſo Enacted by the ſame Authority*, That nothing in this Act contained, ſhall operate for the Security of any Purchaſer in Fee, under a Power hereafter to be executed for that Purpoſe to the Mortgagee, unleſs the Perſon giving ſuch Power be of the Age of at leaſt Twenty-five Years. And all Powers to Mortgagees now or hereafter to be made for making Sales in Fee, ſhall be acknowledged or proved, and recorded as other Deeds uſually are, before the Conveyances for the Sale be executed; and every ſuch Sale ſhall be at public Action or Vendue; of which ſaid Auction or Vendue, public Notice ſhall be given by Advertiſements, one Copy thereof to be inſerted for ſix Months previous thereto in one of the public News-Papers in this Colony, and the other to be fixed up on the outward Door of the Court-Houſe of that County where the morgaged Premiſes, or the greater Part of them lay.

Mortgages to have Priority according to the Time of Regiſtry.

Except in the Counties of *Albany*, &c. where 4 Weeks is allowed to regiſter the Mortgage.

IV. *And be it further Enacted by the ſame Authority*, That every Mortgage hereafter to be executed, ſhall have Priority, and the Benefits thereof given by the Act above mentioned, according to the Time of the actual Regiſtry thereof; and ſuch Priority, and the Benefits thereof, ſhall extend to all future Mortgages of the ſame real Eſtates, or Parts thereof, whether made by the ſame or different Perſons, except as to ſuch Lands and Tenements which lay in the remote Counties of *Albany*, *Tryon*, *Charlotte*, *Cumberland* or *Glouceſter*, with Reſpect to which all Mortgages upon Lands and Tenements therein

therein reſpectively contained, whether of the ſame real Eſtates, or Parts thereof, or by the ſame or different Perſons, ſhall not have ſuch Priority, and the Benefits thereof, from the Regiſtry of ſuch Mortgage, but only from the Time of the actual Execution thereof, if the ſame be regiſtred within four Weeks after ſuch Execution; and no Inſtrument or Writing in the Nature of a Mortgage of any Kind whatſoever, hereafter to be made or executed, ſhall in any Manner defeat, prejudice, or affect the Title or Intereſt of any *bona Fide* Purchaſer of Lands, Tenements, or Hereditaments, unleſs the ſame ſhall have been duly regiſtred according to this and the other Act of this Colony herein before mentioned; any Thing in this and the above mentioned Act to the Contrary notwithſtanding.

[*The following Act is repealed* 11*th Seſſ. Ch.* 73. *Sec.* 1. *But as Titles to Lands may depend upon Conveyances proved conformable thereto, while it was in Force, it was thought proper to reprint it.*]

An ACT *to amend an Act, entitled, An* Act *to confirm certain ancient Conveyances, and directing the Manner of proving Deeds to be recorded.*

Paſſed the 8th March, 1773.

Preamble.

WHEREAS by the aforeſaid Act, paſſed in the eleventh Year of the Reign of his preſent Majeſty, it is among other Things Enacted, with Reſpect to Conveyances of Eſtates in this Colony, by Perſons living abroad in other Parts of the *Britiſh* Dominions, that no ſuch Conveyances, executed after the publiſhing of the ſaid Act, ſhall be recorded here, unleſs acknowledged and certified as in the ſaid Act is directed: And as the Mode of Proof thereby required may in ſome Inſtances be inconvenient,

Proof required of Deeds or Letters of Attorney executed abroad, reſpecting real Eſtate in this Colony.

I. *Be it therefore Enacted by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That all Conveyances of, and Letters of Attorney relating to, real Eſtates in this Colony, executed in *Europe* or any Part of the *Britiſh* Dominions, and proved by a ſubſcribing Witneſs, before one of his Majeſty's Council, or one of the Judges of the Supreme Court of this Colony; or acknowledged by the Grantor, or proved by a ſubſcribing Witneſs, before one of the Judges of the Superior or Supreme Court of any of his Majeſty's Colonies in *America*, and tranſmitted together with a Certificate under the Great Seal of ſuch Colony, purporting that the Perſon therein named to have taken ſuch Acknowledgment or Proof is a Judge of the Superior or Supreme Court of ſuch Colony; or duly acknowledged by the Grantor, or proved by one of the ſubſcribing Witneſſes, before the Lord Mayor of the City of *London*, the Mayors of the Cities of *Briſtol* or *Liverpool*, the Lord Provooſt of the City of *Edinburgh*, the Lord Mayor of the City of *Dublin*, or the Mayors of the Cities of *Londonderry* and *Cork*, in the Kingdom of *Ireland*, and certified and tranſmitted under the Seals of Office of ſuch Mayors or Provooſt reſpectively, may be recorded here in any of the public Offices: And ſuch Deed or the Record thereof may be read in Evidence in any of the Courts of Law in this Colony; and any ſuch Conveyances and Letters of Attorney, which have been proved and certified as above directed before the Publication of this Act, or the Records thereof, may in like Manner be given in Evidence.

Certificates under the Great Seal of any Colony, or the Seals of the Mayors of *London*, *Briſtol*, &c. deemed ſufficient.

AND WHEREAS *alſo* there are many real Eſtates in this Colony veſted in Feme Coverts reſiding out of the ſaid Colony, and it is very inconvenient and often impoſſible for them to acknowledge Conveyances of their ſaid Eſtates, in the Manner directed by the above recited Act; and it would be much more practicable and eaſy for them to grant ſuch Eſtates, were they enabled to do it by Conveyances to be executed in this Colony by their Attornies duly thereto appointed;

II. *Be*

Proof required of Deeds executed by *Femes Covert* out of this Colony.

II. *Be it therefore Enacted by the Authority aforeſaid*, That all Deeds of Conveyance which have been executed ſince the paſſing the aforeſaid Act, and which ſhall be hereafter executed, by any Feme Covert living out of this Colony, in Conjunction with her Huſband, for the conveying of the real Eſtate of ſuch Feme Covert, lying and being in this Colony, and duly acknowledged, or hereafter to be acknowledged by ſuch Feme Covert, before any of the Perſons authorized by the ſaid former Act, or by this Act, to take Proofs and Acknowledgments of Conveyances of real Eſtates in this Colony, executed by Perſons living out of the ſame; ſhall be good and ſufficient to paſs the Eſtate of ſuch Feme Covert purported to be therein conveyed by her: *Provided*, Such Acknowledgment of ſuch Feme Covert (to be written on ſuch Conveyance, and ſigned by the Judge or other Officer by whom ſuch Acknowledgment ſhall be taken) ſhall ſpecify or purport that ſuch Feme Covert was examined by him ſeparate from her Huſband, and that ſhe confeſſed ſhe executed ſuch Conveyance as her Act and Deed, freely, without any Fear or Compulſion of her Huſband; *And Provided alſo*, That the Execution of ſuch Deed by the Huſband of ſuch Feme Covert, be proved or acknowledged by him, and certified in the Manner directed by the before recited Act, or by this Act, with Reſpect to Conveyances of Eſtates in this Colony by Perſons living out of the ſame.

Conveyances by the Attornies of *Femes Covert* and their Huſbands ſhall be valid, on like Proof of the Letters of Attorney.

III. *And be it further Enacted by the Authority aforeſaid*, That any Lands or real Eſtate in this Colony veſted as aforeſaid in any Feme Covert living or reſiding out of the ſame, which have been ſince the paſſing of the ſaid Act, or ſhall hereafter be conveyed in the Name of ſuch Feme Covert, by any Attorney or Attornies of ſuch Feme Covert, to any Perſon or Perſons whatſoever, in Virtue of a Letter of Attorney from ſuch Feme Covert and her Huſband for that Purpoſe, ſhall be good and ſufficient in the Law to paſs to and veſt in the Grantee or Grantees reſpectively and their Heirs, the Lands and real Eſtate of ſuch Feme Covert ſo conveyed or to be conveyed, according to the Purport and Intention of ſuch Letter of Attorney and Conveyance: *Provided*, That ſuch Letter or Letters of Attorney is or ſhall be acknowledged by ſuch Feme Coverts reſpectively, in the Manner herein before directed, to be her free Act and Deed, without any Fear or Compulſion from her Huſband; and ſuch Acknowledgment be written on the ſaid Letters of Attorney reſpectively and ſigned by ſuch Judge or other Officer as aforeſaid: *And Provided alſo*, That ſuch Letter or Letters of Attorney and the Acknowledgment thereon to be written, and alſo the Execution thereof by the Huſband of ſuch Feme Covert, be acknowledged by him, or proved and certified in the Manner directed by the before recited Act, or by this Act.

Deeds of *Femes Covert* ſo proved, or the Record thereof, to be admitted as Evidence.

IV. *And be it further Enacted by the Authority aforeſaid*, That all ſuch Deeds and Letters of Attorney, executed, or to be executed and acknowledged as aforeſaid, by Feme Coverts living out of this Colony, and proved and certified in the Manner directed by this Act, or in the Manner directed by the laſt Section of the before recited Act, may be recorded here in any of the public Offices; and ſuch Deeds and Letters of Attorney, or the Records thereof, may be read as Evidence in any of the Courts of Law in this Colony.

Copies of *Wills* made in *Great-Britain* and *Ireland*, certified under the Seal of Office where proved, may be given in Evidence.

V. *And be it Enacted by the Authority aforeſaid*, That the Copies of any laſt Will or Teſtament whatſoever heretofore made, or hereafter to be made within any Part of the Kingdoms of *Great-Britain* or *Ireland*, by which any Lands, Tenements, Hereditaments, or other Eſtate within this Colony are deviſed or bequeathed, certified under the Seal of ſuch Office where ſuch Will or Teſtament is proved and lodged, may be given and ſhall be received in Evidence before any of the Courts of Judicature within this Colony, and be eſteemed as valid and ſufficient as if the original Will or Teſtament was then and there produced and proved.

FINIS.

CONTENTS

OF THE

APPENDIX.

I. *AN* Act *for confirming Grants, Patents and Rights,* Page i, ii

II. *An* Act *for calling* Long-Iſland, *the* Iſland *of* Naſſau, ii

III. *An* Act *for the better Settlement and Aſſurance of Lands,* ii, iii

IV. *An* Act *for confirming unto the City of* New-York, *its Rights and Privileges,* iv

V. *An* Act *to regulate the Ferry between the City of* New-York *and* Naſſau-Iſland, iv—vi

VI. *An* Act *to prevent Frauds by Mortgages executed after the 1ſt* June, 1754, vi, vii

VII. *An* Act *for erecting Barracks in the City of* New-York, vii

VIII. *An* Act *to prevent Titles to real Eſtates being defeated by Alieniſm, in certain Caſes,* viii

IX. *An* Act *to confirm certain antient Conveyances, and directing the Manner of proving Deeds to be recorded,* viii, ix

X. *An* Act *for the more effectual Regiſtry of Mortgages, and for ſecuring the Purchaſers of mortgaged Eſtates,* ix—xi

XI. *An* Act *to amend the Act for confirming ancient Conveyances, and directing the Manner of proving Deeds to be recorded,* xi, xii

ERRATA.

Page 11, Section 29, Line 5, For Treaſures, read *Treaſurers.*
102, 11, For enactea, read *enacted.*
210, 3, 5, For Crow-Neck, read *Cow-Neck.*
221, 2, 22, For vected, read *veſted.*
268, 25, For Bombadiers, read *Bombardiers.*
24, In the Note in the Margin oppoſite the 7th Section, 4th Line, for 50, read 10.
82, In the Note at the Bottom of the Page, for 4, read 54.
84, In the Title of Chap. 2, Line 2, for Join-Tenants, read *Joint-Tenants.*
102, In the Title of Chap. 10, at the End of the firſt Line, for ana, read *and.*

C O N T E N T S.

D I X.

Ъ Ь Е И

С О Ю З Е